Supreme Court, U.S.
FILED
JAN 25 2001
OFFICE OF THE CLERK

No. 00-189

In The

Supreme Court of the United States

STATE OF IDAHO,

Petitioner,

v.

UNITED STATES OF AMERICA, ET AL.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

JOINT APPENDIX
VOLUME I, PAGES 1 TO 261

ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
STEVEN W. STRACK
Deputy Attorney General
Counsel of Record
State of Idaho
700 W. Jefferson Street, Rm. 210
P.O. Box 83720
Boise, Idaho 83720-0010
(208) 334-2400

Attorneys for Petitioner

BARBARA D. UNDERWOOD
Acting Solicitor General
Counsel of Record
Department of Justice
Washington, DC 20530-0001
(202) 514-2217

RAYMOND C. GIVENS
Counsel of Record
BRIAN J. CLEARY
GIVENS, FUNKE & WORK
425 East Sherman Ave., Suite 308
P.O. Box 969
Coeur d'Alene, Idaho 83816-0969
(208) 667-5486

JOSEPH D. KEARNEY
P.O. Box 1709
Milwaukee, Wisconsin 53201

Attorneys for Respondents

Petition For Certiorari Filed July 25, 2000
Certiorari Granted December 11, 2000

COCKLE LAW BRIEF PRINTING CO., (800) 225-6964
OR CALL COLLECT (402) 342-2831

JOINT APPENDIX
Table of Contents

Page

VOLUME I

Docket Entries..... 1

PLEADINGS AND ORDERS

Docket No.	Date	Description	
135	08/14/1998	Judgment and Decree.....	7

TRANSCRIPTS

Vol No.	Date	Description	
V.	12/08/1997	Testimony of Roderick Sprague, pages 806-09.....	10
V.	12/08/1997	Testimony of Gerald Willett, pages 897-910.....	12

EXHIBITS

Exhibit No.	Date	Description	
208	09/17/1858	Sen. Ex. Doc., *Report of the Secretary of War,* 35th Cong., 2d Sess. (1859).....	23
300T	11/18/1872	Transcription of highlighted portions of Petition, Chiefs of the Coeur d'Alene Nation to [Commissioner of Indian Affairs], November 18, 1872, Letters Received, Washington Superintendency, Microfilm, M234, Roll 912, RG 75, National Archives.....	26
305T	05/06/1873	Transcription of Letter, D. P. Thompson to Surveyor General, May 6, 1873, Letters Received, Washington Superintendency, Microfilm, M234, Roll 912, RG 75, National Archives.....	30

JOINT APPENDIX
Table of Contents – Continued

			Page
645T	08/01/1873	Transcription of Letter, Shanks to Secretary of the Interior, enclosing agreement with Coeur d'Alene Tribe, August 1, 1873, Letters Received, Idaho Superintendency, Microfilm, M234, Roll 341, National Archives	32
704	10/04/1873	Bennett, T. W. "Gov. Bennett's Letter," *Idaho Signal*, Vol. 1, October 4, 1873	38
234	11/01/1873	United States. Department of the Interior. Commissioner of Indian Affairs, Annual Report, 1873	43
275	11/08/1873	Executive Order of November 8, 1873, from United States, *Executive Orders Relating to Indian Reservations from May 14, 1855 to July 1, 1912* (1912)	46
2281	05/15/1884	Map of May 15, 1884, by U.S. Surveyor General for Idaho, of 1883 survey	49
649	05/15/1886	Act of May 15, 1886, 24 Stat. 29, 44	50
426	07/27/1886	Letter, Lazelle to Adjutant General, Letters Received, Record Group 75, National Archives	52
427T	08/09/1886	Transcription of Letter, Secretary of War to Secretary of Interior, August 9, 1886, Letters Received, Record Group 75, National Archives ...	59

JOINT APPENDIX
Table of Contents – Continued

			Page
3152	10/09/1886	Attorney General. Letter to Secretary of the Interior, October 9, 1886, RG 75, Letters Received, 1886, 27257....	60
3139	01/09/1888	House Ex. Doc. No. 63, *Reduction of Indian Reservations*, 50th Cong., 1st Sess. (1888)....	62
214	01/23/1888	Senate Misc. Doc. No. 36, *Resolution*, 50th Cong., 1st Sess. (1888).....	116
213	02/13/1888	Sen. Ex. Doc. No. 76, *Letter from the Secretary of the Interior about the Coeur d'Alene Indian Reservation*, 50th Cong., 1st Sess. (1888)	118
99	05/30/1888	Act of May 30, 1888, from Kappler, Charles Joseph, *Indian Affairs, Laws and Treaties* (1904)	137
188	09/20/1888	19 Cong. Rec. 8754, 8755 (1888).....	141
3253	03/02/1889	Act of March 2, 1889, 25 Stat. 980	144
3160	06/18/1889	Belt, R. V. Letter to Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, June 18, 1889, National Archives, RG 279, Docket 81, Box 232	145
250	10/01/1889	United States. Department of the Interior. Commissioner of Indian Affairs. Annual Report, 1889	152

JOINT APPENDIX
Table of Contents – Continued

			Page
215	12/18/1889	Sen. Ex. Doc. No. 14, *A Letter of the Secretary of the Interior Relative to the Purchase of a Part of the Coeur d'Alene Reservation*, 51st Cong., 1st Sess. (1889)	162

VOLUME II

206	03/28/1890	House Rep. No. 1109, *Ratification of Coeur d'Alene Indian Treaties in Idaho*, 51st Cong., 1st Sess. (1890)	262
189	06/07/1890	21 Cong. Rec. 5769, 5770 (1890)	359
2293	06/10/1890	21 Cong. Rec. 5905 (1890)	368
2294	07/03/1890	Idaho Admission Bill, Act of July 3, 1890, 26 Stat. 215	370
205	08/19/1890	House Rep. No. 2988, *Ratification of Coeur d'Alene Indian Treaties in Idaho*, 51st Cong., 1st Sess. (1890)	373
2314	03/03/1891	Act of March 3, 1891, 26 Stat. 989, 1026	376
207	03/23/1894	House. Ex. Doc. No. 158, 53d Cong., 2d Sess. (1894)	389

JOINT APPENDIX
Table of Contents – Continued

			Page
838	09/22/1894	United States General Land Office. Patent, United States of America to Frederick Post. September 22, 1894. Deed Record Book L, p. 623, Kootenai County Courthouse; Coeur d'Alene, Idaho	404
1439	07/15/1996	Expert Report of E. Richard Hart	410
	[Page 537 Not Used By Printer]		
2291		Map of U.S. Proposal of Reservation, August 14, 1889. Parley Notes (Map of Simpson Proposal)	538
2292		Map of 1889 Coeur d'Alene Tribe Response to 1889 Simpson Proposal	539
2298		Map of 1889 Cession and remaining Reservation	540
2316B		Map of Coeur d'Alene Tribe's Anthropological Sites; Aboriginal Territory according to Claims Commission	541

ADDITIONAL DOCUMENTS IN PETITION FOR WRIT OF CERTIORARI

Opinion, United States et al. v. Idaho, Case Nos. 98-35831 & 98-35847, United States Court of Appeals for the Ninth Circuit. . . . . Pet. App. 1

Memorandum Decision and Order, United States et al. v. Idaho, Case No. CV-94-00328-EJL, United States District Court for the District of Idaho . . . . . Pet. App. 31

RELEVANT DOCKET ENTRIES
United States of America et al. v. Idaho
United States District Court for the District of Idaho
Case No. CV-94-00328-EJL

Docket No.	Date	Description
1	07/21/1994	COMPLAINT (Summons(es) issued) (consent notice issued/furnished).
4	08/09/1994	ANSWER to complaint [1-1] and COUNTERCLAIM by def Idaho, State of against pla USA; cntdft USA.
5	10/11/1994	ANSWER TO COUNTERCLAIM [4-2] by cntr-def USA.
6	10/21/1994	MOTION by Coeur d'Alene Tribe to intervene as a pla.
21	11/09/1995	MEMORANDUM, DECISION, AND ORDER: by Honorable Edward J. Lodge granting motion to intervene as a pla [6-1] denying motion to amend complaint and answer to counterclaim in intervention [17-1] and granting the Tribe leave to file a second amended complaint and answer consistent with the Court's discussion.
22	11/21/1995	ANSWER TO COUNTERCLAIM [4-2] by intvnpla Coeur d'Alene Tribe.
22	11/21/1995	SECOND AMENDED COMPLAINT [1-1] by intvnpla Coeur d'Alene Tribe.
23	12/11/1995	ANSWER by def Idaho, State of to second amended complaint in intervention.

28	05/17/1996	ANSWER TO COUNTERCLAIM [4-2] by intvpla Coeur d'Alene Tribe.
28	05/17/1996	THIRD AMENDED COMPLAINT [22-1] by intvpla Coeur d'Alene Tribe.
42	07/03/1997	MOTION by def Idaho, State of for summary judgment.
48	07/03/1997	NOTICE by intvpla Coeur d'Alene Tribe of intent to seek entry of default and default judgment against State of Idaho as to the Tribe's third amended complaint.
49	07/03/1997	MOTION by intvpla Coeur d'Alene Tribe for entry of default as to Idaho, State of and dispositive motions standards.
55	07/08/1997	ANSWER by def Idaho, State of to third amended complaint in intervention.
85	10/31/1997	ORDER by Honorable Edward J. Lodge denying motion for entry of default as to Idaho, State of and dispositive motions standards [49-1], denying motion for summary judgment [42-1].
108	12/01/1997	MINUTES OF COURT TRIAL-DAY 1 – finding moot the motion in limine to exclude all evidence offered at trial by the State of Idaho which addresses matters "following the 1873 designation of the CDA Reservation" [97-1], finding moot the motion to strike exhibits [97-2] Court Trial Began EJL.

109	12/02/1997	MINUTES OF COURT TRIAL-DAY 2 – EJL.
110	12/03/1997	MINUTES OF COURT TRIAL-DAY 3 – Denying Oral motion by pla's Rule 15B -Request for amendment of pleadings to include issue of ownership of entire lake. EJL.
111	12/04/1997	MINUTES OF COURT TRIAL-DAY 4 – EJL.
112	12/08/1997	MINUTES OF COURT TRIAL-DAY 5 – EJL.
113	12/09/1997	MINUTES OF COURT TRIAL-DAY 6 – EJL.
114	12/10/1997	ORDER by Honorable Edward J. Lodge that the Eleventh Amendment precludes adjudication of the CDA Tribe's ownership interest in the submerged lands of Heyburn State Park.
115	12/10/1997	MINUTES OF COURT TRIAL-DAY 7 – EJL.
116	12/11/1997	MINUTES OF COURT TRIAL-DAY 8 – EJL.
117	12/12/1997	MINUTES OF COURT TRIAL-DAY 9 – Trial ended EJL.
118	12/15/1997	NOTICE OF MOTION DETERMINATION PROCEDURE - motion in limine to exclude all evidence offered at trial by the State of Idaho which addresses matters "following the 1873 designation of the CDA Reservation" [97-1] and motion to strike exhibits [97-2] will be decided on written submissions.

132	07/28/1998	MEMORANDUM, DECISION, AND ORDER: by Honorable Edward J. Lodge 1. Title is quieted in favor of the USA, as trustee, and the CDA Tribe of Idaho, as the beneficially interested party of the trusteeship, to the bed and banks of the CDA Lake and the St. Joe River lying within the current boundaries of the CDA Indian Reservation; 2. The USA, as trustee, and the CDA Tribe of Idaho, as the beneficially interested party of the trusteeship, are entitled to the exclusive use, occupancy and right to the quiet enjoyment of the bed and banks of the CDA Lake and the St. Joe River lying within the current boundaries of the CDA Indian Reservation; and 3. The State of Idaho is permanently enjoined from asserting any right, title or otherwise interest in or to the bed and banks of the CDA Lake and St. Joe River lying within the current boundaries of the CDA Indian Reservation. It is further ordered that the State of Idaho's counterclaim is denied [4-2] Pla's to submit a proposed judgment and decree; Case Mgmt ddl set for 8/11/98.
135	08/14/1998	JUDGMENT AND DECREE by Honorable Edward J. Lodge Judgment for pla in intervention, CDA Tribe; Costs are awarded to the CDA Tribe. By agreement the USA and the State of Idaho shall bear their own costs terminating case.

136	08/18/1998	MOTION by def Idaho, State of for stay and injunction pending appeal.
139	08/18/1998	NOTICE OF APPEAL by defendant Idaho, State of from Dist. Court decision [135-2], [132-2].
142	08/24/1998	NOTICE OF CROSS-APPEAL by intervenor-plaintiff Coeur d'Alene Tribe from Dist. Court decision [132-2], [135-2].
156	10/19/1998	ORDER by Honorable Edward J. Lodge denying motion for stay and injunction pending appeal [136-1].
158	05/31/2000	MANDATE from Circuit Court of Appeals affirming the decision of the District Court on appeal [142-1], affirming the decision of the District Court on appeal [139-1].

Relevant Docket Entries
United States of America et al. v. Idaho
United States Court of Appeals for the Ninth Circuit
Case Nos. 98-35831, 98-35847

Date	Description
8/28/98	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL [98-35831].
9/1/1998	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL [98-35831, 98-35847].
12/9/1999	ARGUED AND SUBMITTED TO Thomas M. Reavely, Stephen R. Reinhardt, M.M. McKeown [98-35831, 98-35847].

05/02/2000	FILED OPINION: AFFIRMED (Terminated on the Merits after Oral Hearing; Affirmed; Written, Signed, Published. Thomas M. Reavley; Stephen R. Reinhardt; M.M. McKeown, author) FILED AND ENTERED JUDGMENT. [98-35831, 98-35847].
05/31/2000	MANDATE ISSUED [98-38831, 98-35847].

DOCKET 135

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

In re suit to quiet title to that portion of the bed and banks of Coeur d'Alene Lake and St. Joe River lying within the exterior boundaries of the 1873 Cour d'Alene Reservation	Case No. CIV-94-0328-N-EJL
UNITED STATES OF AMERICA, Plaintiff, Counterdefendant and COEUR D'ALENE TRIBE, Plaintiff in Intervention, Counterdefendant in Intervention vs. STATE OF IDAHO, Defendant, Counterclaimant.	JUDGMENT & DECREE (Filed Aug. 14, 1998)

This action came on for trial before the Court, Honorable Edward J. Lodge, United States District Judge, presiding, from December 1 through December 12, 1997, and the issues having been duly heard and a July 28, 1998, MEMORANDUM DECISION AND ORDER having been duly rendered,

IT IS ORDERED, ADJUDGED AND DECREED that:

1. Title is quieted in favor of the United States, as trustee, and the Coeur d'Alene Tribe, as the beneficially interested party of the trusteeship, to the bed and banks of all of the navigable waters lying within the current boundaries of the Coeur d'Alene Indian Reservation as those boundaries are described by the Act of March 3, 1891, 26 Stat. at 1027 and the Act of August 15, 1894, 28 Stat. at 322, which includes portions of Lake Coeur d'Alene and the St. Joe River, but which exclude those bed and banks of the navigable waters claimed by Idaho to be within Heyburn State Park, which waters and submerged lands were not at issue in this litigation;

2. The United States, as trustee, and the Coeur d'Alene Tribe, as the beneficially interested party of the trusteeship, are entitled to the exclusive use, occupancy and right to the quiet enjoyment of the bed and banks of all of the navigable waters lying within the current boundaries of the Coeur d'Alene Indian Reservation as those boundaries are described by the Act of March 3, 1891, 26 Stat. at 1027 and the Act of August 15, 1894, 28 Stat. at 322, which includes portions of Lake Coeur d'Alene and the St. Joe River, but which exclude those bed and banks of the navigable waters claimed by Idaho to be within Heyburn State Park, which waters and submerged lands were not at issue in this litigation;

3. The State of Idaho is permanently enjoined from asserting any right, title or otherwise interest in or to the bed and banks of all the navigable waters lying within the current boundaries of the Coeur d'Alene Indian Reservation as those boundaries are described by the Act of

March 3, 1891, 26 Stat. at 1027 and the Act of August 15, 1894, 28 Stat. at 322, which includes portions of Lake Coeur d'Alene and the St. Joe River, but which exclude those bed and banks of the navigable waters claimed by Idaho to be within Heyburn State Park, which waters and submerged lands were at issue in this litigation;

4. The State of Idaho's counterclaim is denied;

5. For such other and further relief in accordance with the aforementioned July 28, 1998, MEMORANDUM DECISION AND ORDER, which by this reference is incorporated herein as if set forth verbatim; and

6. Costs are awarded to the Coeur d'Alene Tribe. By agreement the United States and the State of Idaho shall bear their own costs.

DATED this 14th day of August, 1998.

/s/ Edward J. Lodge
EDWARD J. LODGE
United States District Judge

CR 94-0328-N-EJL

VOLUME V

COURT TRIAL

DECEMBER 8, 1997

BEFORE THE HONORABLE EDWARD J. LODGE

AT BOISE, IDAHO

[TESTIMONY OF ANTHROPOLOGIST EXPERT WITNESS DR. SPRAGUE]

* * *

[806] **Q** In 1873 were the Coeur d'Alene people dependent for survival on the fishing [807] specifically and the water generally of Lake Coeur d'Alene and all of the related waters within their area?

A Yes, they were.

Q Have you studied the dependency for survival on the fishing specifically and the water generally of other traditional economies of the plateau Tribes neighboring the Coeur d'Alene Tribe?

A Yes, I have.

Q And I would like to ask you to compare the Coeur d'Alenes with one other plateau tribe and one other tribe that is close to the plateau, that is, the Crows in Montana who are not really a plateau tribe, are they?

A No, they're plains, great plains.

Q And the Salish, Kootenai, the now Flathead Reservation in Canada, they are plateau tribes, are they not?

A Yes, they are.

Q And the Coeur d'Alenes. How would you compare those three peoples as to their comparative dependence for survival on the fishing specifically and the waters generally?

A They form an interesting continuum [808] from east to west. The Crow have a typical plains dislike of fish. They consider fish things like suckers and bullheads that live in the mud and they simply don't depend on fishing at all. They're entirely dependent upon the bison. The Flathead are an intermediate group that are dependent on fishing, but not to the extent the Coeur d'Alene are, and they have to go over into the Salmon area shared with the Nez Perce in order to get enough Salmon in order to survive for a year. They simply don't have that much in their own territory, in their own lakes, in contrast to the Coeur d'Alenes who don't have to move out of the area, have plenty of resources in the area, and these resources come largely from the lake.

Q Given your studies of cultures of native people, do you have an opinion as to whether an Indian tribe as dependent for survival on the fishing specifically and water generally as the Coeur d'Alenes were in 1873, would have agreed to a reservation that did not include lakes and rivers that had been the heart of their lives?

A I would say that this is inconceivable [809] that they would agree to such a situation. My feeling is that they assumed any reservation included the water.

Q When the Coeur d'Alene were drawing boundary lines with the United States negotiators in 1873 did they see those boundary lines really as being any different

than the boundary lines that had existed between the Coeur d'Alene people and neighboring tribes earlier?

A No, I think they viewed them essentially the same – smaller, but the same type of boundary.

Q Would they have thought that anything inside those lines would ever belong to anyone other than Coeur d'Alene people?

A No, I don't think they would have.

MR. GIVENS: No further, questions, Your Honor.

* * *

[TESTIMONY OF SURVEYOR EXPERT WITNESS PROFESSOR WILLETT]

[897] [T]he actual blow-up here and the actual Exhibit 2281, are there small circles and lines connecting those circles down the middle of the channel of the Spokane River?

A Yes, there is.

Q Looking at the map on the screen, or this one right here, maybe that's easier to look at, does the map indicate the acreage inside the reservation?

A Yes, it's over 598,000 acres inside the boundary, I believe – 598,499.85 acres.

Q Have you calculated the water – the acreage of the submerged lands underlying the navigable waters of the reservation?

A The submerged lands of this exhibit? I calculated the acreage in the reservation. I have not calculated the

submerged lands, but there is other information available.

Q You have reviewed that other information?

A Yes.

Q Does this acreage figure that is shown on the face of map, 598,499.85 acres, does that represent the entire acreage within the exterior boundaries shown on the map?

[898] **A** Yes, it does, I checked that twice earlier and I checked it on a smaller drawing and came within 6 percent of the acreage. Recently I used a larger, full-scale drawing and mathematically, using the bearings and distance of the survey came up with a figure of around 610,000 acres which is within 2 percent of the acreage, so that acreage correctly represents the acreage within the boundaries of the Coeur d'Alene Indian reservation at that time.

Q It includes the submerged lands?

A It includes the submerged lands.

Q With your little red dot pointer could you indicate on Exhibit 2281 where Lake Coeur d'Alene is on the – if you would use this exhibit?

A The lower end is down here as shown on the map and then up here through this area showing the Coeur d'Alene Lake.

MR. GIVENS: Your Honor, could the record show that the witness is indicating the lake lies directly underneath – or in other words, the Coeur d'Alene Indian reservation area, 598,499.85 acres is printed.

THE COURT: Hearing no objection, the [899] record may so show.

MR. GIVENS: Thank you.

BY MR. GIVENS:

Q If the surveyor, Mr. Baker, had surveyed the reservation in such a way as to exclude the lake from the reservation, as we discuss it maybe we could use one of these other maps here, maybe use 2339 because it shows the lake there. Let's take it as it goes along the northern boundary, what would he have done as he was surveying the northern boundary when he hit the water?

A If his instructions had been to exclude the Coeur d'Alene Lake, it was naturally large enough that he considered it a navigable lake, then he would have had to meander a line along the lake there starting from here all the way around the lake and also I assume he would have to go up to the St. Joe and back along the west border and back up to the Spokane River.

Q Thank you. In 1889 the Coeur d'Alene Tribe and the United States, as has been testified earlier, reached agreement on a cession of some land in the northern part of the 1873 reservation. In 1891 did W. Clayton Miller [900] survey the area of that cession?

A Yes, he did.

Q If we look at Exhibit 2298, which is one of the maps standing up there, is the area of that cession as the U.S. understood it the area to the north that is shaded?

A Correct, this area which has been shaded.

Q Have you reviewed the actual plat maps that were done pursuant to W. Clayton Miller's survey?

A Yes, I have.

Q Let's talk first about the portion of that survey regarding the Spokane River.

MR. GIVENS: And could the witness be handed Exhibit 2393, please, just that one, 2393.

BY MR. GIVENS:

Q Do you have that there?

A Yes, I do.

Q If we could direct our attention to the northern part of that area where it shows the Spokane River leaving Lake Coeur d'Alene. Did Mr. Miller – what does this exhibit show?

A It shows that the south shore or the left-hand bank of the Spokane River was meandered [901] by Mr. Miller, Clayton Miller, in the 1891 survey.

Q Why was it meandered?

A Because it is a navigable river.

Q If we could then, looking at that same exhibit, go down and look at the line across Lake Coeur d'Alene further south, maybe it's another page of the exhibit – do you have that there in Exhibit 2393?

A I have 2393 and it's the same as the image, then there is – well, there is another township and range adjacent to this one.

Q Let's move on past that then. When Miller surveyed – let's use 2298 to discuss this – when Miller surveyed the southern portion of the cession or the northern boundary of the Coeur d'Alene reservation that would remain after the cession, looking at Exhibit 2298, what did he do?

A As he was instructed, he started at milepost 75 which was along the Idaho-Washington territorial border which is approximately 12 miles south of the Spokane River. He surveyed a line due east until it intersected Lake Coeur d'Alene and then he directed to follow Lake Coeur [902] d'Alene which would be a meandering line down the west shore of Lake Coeur d'Alene until he got to a point which was west of the entrance of the Coeur d'Alene River, and then through triangulation he crossed the lake and then surveyed the line due east until it intersected the east boundary of the 1873 survey by Baker.

Q If the intent at that point had been to exclude the remainder of the southern portion of Lake Coeur d'Alene from the Coeur d'Alene reservation, how would the survey have been different from the point that he reached the west shore of Lake Coeur d'Alene?

A When he reached the west shore of Coeur d'Alene then he would have continued a meander line down along the west shore of the lake and more than likely, since the St. Joe would have been considered a navigable river he would have surveyed a line down to the reservation line on the St. Joe and then back up until he intersected that point then continued due north.

Q In addition, Mr. Miller surveyed an area that Congress had granted to a gentleman by the name of Frederick Post in 1891, did he not?

[903] A Yes, he did.

MR. GIVENS: Could the witness please have Exhibits 771 and 838.

BY MR. GIVENS:

Q 771 are the field notes; did you review those field notes, sir?

A Yes, I have.

Q And then direct your attention Exhibit 838?

A Yes.

Q This is a transcript of the actual patent and then attached to that there is a map, is there not?

A Yes, this is the patent to Frederick Post and a map of the property he was deeded.

Q Looking at this map, – let me back up. I believe this is a picture of it, but the written text of the patent makes reference to an affidavit from Chief Seltice where he references a sale by the Tribe to Frederick Post of this area of land in 1871, does it not?

A Yes.

Q Does that make specific reference to the river channels?

A Yes.

[904] **Q** When Miller surveyed this Post patent in 1891 did he survey the – well, let me ask it this way. How did he deal with the survey of both the upland and the river channels within the area that was patented to Frederick Post?

A Within the area that was patented to Frederick Post, both the upland and the submerged land were all included within the acreage.

Q Have you examined the acreage figures that are shown on this map and the acreage figures of the waters and compared them to the total acreage that the prior portion of this exhibit confirmed was the property of Mr. Post?

A Yes, I did. Using the acreage of that Item No. 1 as a guide for acreage, I determined the acreage of the survey lines around the patent and came within 2 percent of the figure used toward the end of the patent year of the total amount of acreage there that he gained was 298 acres and 394 thousandths of an acre. And I got within 2 percent of that acreage.

Q Did the patent that is part of this exhibit, the patent to Mr. Post, not only the uplands but also the submerged lands as shown in this map?

[905] **A** Right, the area across the river and then up around the meander line and then across the river again, and again around the meander line and then back to that point. This is the property he gained in that patent.

Q Moving on to the survey of what has been previously referred to as the Harrison strip, I would direct your attention to Exhibit 2334 which is the map closest to

the bench sitting down in front of the jury box. There has been previous testimony in this case that that strip of land was ceded pursuant – by the Tribe to the United States pursuant to an agreement in 1894. Did a gentleman by the name of Harold Rands survey this Harrison strip in 1901?

A Yes he did.

MR. GIVENS: Could the witness have Exhibit 793, 2394 and 140, please.

BY MR. GIVENS:

Q 793 are the field notes from Mr. Rands' survey; have you reviewed those, sir?

A Yes, I have.

Q Could you bring up Exhibit 2394, please. Is a part of that exhibit instructive to us?

[906] **A** Yes. There's a number of plats here which show the north boundary of the reservation and the east side of the Coeur d'Alene lake. At this point he works from the east towards the west and the way the maps are here, and this is the corner where he –

Q Where he starts at?

A Where he starts at – well, actually where it ended up. I mean, the survey ran from Harrison to the east.

Q And could we have Exhibit 140 brought up on the screen, please. What does this detail show?

A This is the area of Harrison at the beginning of the survey, where he started out actually, Rands, when he

was reviewing the survey, he traced the old boundary because the new boundary would be one mile south of it, and starting out the boundary, actually the first corner would have probably fallen into the lake there so he had to go to milepost 30 and it was a little beyond milepost 30 to get an offset that would not be in the lake.

Q Would you indicate where milepost 30 is?

[907] **A** I believe it is in that area – that looks like 29, I can't read it. But in this general year he offsets down and sets his line one mile south and parallel, so when they drafted this up they drafted it as being south one mile and this is the Indian reservation line right here which would be the new Harrison strip boundary line.

Q If the intent had been to – let me back up and let's put this in perspective. Idaho became a State in 1890, that would have been 11 years before this survey, wouldn't it?

A Correct.

Q If the understanding was that Idaho at that time owned Lake Coeur d'Alene would the survey have been drawn like it was in this exhibit?

A No. If that had been the understanding they would have used the meander line along that shoreline rather than to show the boundary out in the lake.

Q Would you read the words that cut through the corner kind of on the diagonal of the exhibit?

A Coeur d'Alene Lake, and then the [908] boundary of the Coeur d'Alene Indian reservation is shown below that.

Q That's those words shown right out like this?

A Correct.

Q And your knowledge of this area, sir, is – were the words "boundary of the Coeur d'Alene Indian reservation," is that actually in Lake Coeur d'Alene?

A That would be in Lake Coeur d'Alene, yes.

Q I would like to discuss generally for a moment the similarities between the Post patent map you just discussed a moment ago and all of the Coeur d'Alene reservation maps that you have – maps from the surveys of different borders of the reservation that we just discussed. In what ways are the maps taken from the surveys of the reservation lines similar to the mapping we discussed a moment ago of survey of the Post patent?

A Basically two general similarities would be that where the lines crossed the water over the bed that they were surveyed across the water and not meandered. The other is that all [909] the both bed and land within the boundaries were included in the survey, there was not an attempt to, as far as the description of the boundaries, that includes all the land within those boundaries.

Q In terms of how those two categories of surveys dealt with ownership of submerged lands, were there any differences?

A No, the ownership in both cases were before Idaho became a state, so they're essentially a grant of land for statehood, they came with the property.

Q After reviewing the instructions and field notes, official maps and various boundaries of the Coeur

d'Alene reservation which we discussed, do you have an opinion as a surveyor as to whether those official surveys and resulting maps demonstrate an intent that the land surveyed under the navigable waters within the lines were intended to be part of the Coeur d'Alene reservation along with other lands within the Coeur d'Alene reservation?

A In my opinion, from the way it was surveyed and the instructions, that all of the Indian water within the boundaries, the navigable [910] water within the boundaries would be part of the reservation.

Q As a surveyor, do you have an opinion as to whether or not Spokane River east of the Washington – Idaho border was navigable?

A Yes, it is navigable, otherwise it wouldn't have been surveyed as it was.

MR. GIVENS: Thank you. I have no other questions.

* * *

EXHIBIT 208

THE

EXECUTIVE DOCUMENTS,

PRINTED BY ORDER OF

THE SENATE OF THE UNITED STATES,

SECOND SESSION, THIRTY-FIFTH CONGRESS,

1858-'59,

AND

SPECIAL SESSION OF THE SENATE OF 1859.

* * *

Preliminary articles of a treaty of peace and friendship between the United States and the Coeur d'Alene Indians,

ARTICLE 1. – Hostilities between the United States and the Coeur d'Alene Indians shall cease from and after this date, September 17, 1858.

ARTICLE 2. – The chiefs and headmen of the Coeur d'Alene Indians, for and in behalf of the whole nation, agree and promise to surrender to the United States all property in their possession belonging either to the government or to individuals, whether said property was captured or abandoned by the troops of the United States.

ARTICLE 3. – The chiefs and headmen of the Coeur d'Alene nation agree to surrender to the United States the men who commenced the battle with Lieutenant Colonel Steptoe, contrary to the orders of their chiefs, and also to give at least one chief and four men, with their families, to the officer in command of the troops as hostages for their future good conduct.

ARTICLE 4. – The chiefs and headmen of the Coeur d'Alene nation promise that all white persons shall travel through their country unmolested, and that no Indians hostile to the United States shall be allowed within the limits of their country.

ARTICLE 5. – The officer in command of the United States troops, for and in behalf of the government, promises that if the foregoing conditions are fully complied with no war shall be made upon the Coeur d'Alene nation; and further, that the men who are to be surrendered, whether those who commenced the fight with Lieutenant Colonel Steptoe or as hostages for the future good conduct of the Coeur d'Alene nation, shall in nowise be injured, and shall, within one year from the date hereof, be restored to their nation.

ARTICLE 6. – It is agreed by both of the aforesaid contracting parties that when the foregoing articles shall have been fully complied with, a permanent treaty of peace and friendship shall be made.

ARTICLE 7. – It is agreed by the chiefs and headmen of the Coeur d'Alene nation that this treaty of peace and friendship shall extend also to include the Nez Percés nation of Indians.

Done at the headquarters of the expedition against northern Indians, at the Coeur d'Alene mission, Washington Territory, this 17th day of September, 1858.

G. WRIGHT,
Colonel 9th Infrantry, commanding.

Mil-kap-si,	his x mark.	Paul,	his x mark.
Sal-tize,	his x mark.	Bonaventure,	his x mark.
Vincent,	his x mark.	Cassimere,	his x mark.
Joseph,	his x mark.	Bernard,	his x mark.
Jean Pierre,	his x mark.	Anthony,	his x mark.
Pierre Pauline,	his x mark.	Leo,	his x mark.
Louis Margoni,	his x mark.	Patricia,	his x mark.
Cypronani,	his x mark.	Pierre,	his x mark.
Augustin,	his x mark.	Jean Pierre,	his x mark.

Witnesses.

E.D. KEYES, *Captain 3d Artillery.*
W.N. GRIER, *Brevet Major United States Army,*
R.W. KIRKHAM, *Captain and Assistant Quartermaster.*
F.F. DENT, *Captain 9th Infantry.*

EXHIBIT 300T

Department of the Interior
Received Mch 7th, 1873
Dated _____, 187___.
From Chiefs of the
Coeur d'Alene Inds.

SUBJECT

Concerning the
allotment of their
lands, etc.
(Illegible name)

ACTION
File Mch 7, 1873.

Respectfully referred to the
Acting Com'r of Ind. Aff.
[Round seal w/
illegible writing
across seal]

illegible
___ar
1873
Indian Office

Acting Chief Clerk.
Registered, Vol. 9, p.188 (illegible) 159

We chiefs and people of the Coeur d'Alene beg of the Great Chief to listen to our words already we did write last winter requesting a part of our land to be allotted for our own exclusive use, we got no direct answer; only we hear vague reports, then something has been granted, but some few white men have already trespassed on it though very little as yet: now allow us to speak once more.

In our first petition we made no mention of our church nor of the two valleys of S. Joseph, and Coeur d'Alene rivers, because in our ignorance we thought it a matter of course. When 30 winters past we had received the Word of God, we set to work to build him a house: it is very dear to us for many reasons: it is the work of our own hands, and we feel some way proud of it: but more than this, since that time many of our parents, our children, our relatives and friends our fellow believers have been buried near that Church and never for a moment could we have harboured (sic) the thought of abandoning it.

As to the two valleys, we did not think to ask for them, though they have been from old the habitual residence of most of us; because being every spring under water, we thought no white man could ever settle there in fact there is none as yet: the few spots which usually escape being inundated, we have them fenced in and cultivated. What we are unanimous in asking besides the 20 square miles already spoken of, are the two valleys, the S. Josephs, from the junction of S. and N. forks, and the Coeur d'Alene from the Mission inclusively. It would appear too much and it would be so if all or most of it were fit for farming but the far greatest part of it is either rocky or too dry, too cold or swampy; besides we are not as yet quite up to living on farming: with the work of God we took labor too, we began tilling the ground and we like it: though perhaps slowly we are continually progressing; but our unaided industry is not as yet up to the white man's. We think it hard to leave at once old habits to embrace new ones for a while yet we need have some hunting and fishing.

Moreover we have friendly neighbours (sic) using about the same language, who, we doubt not, would much rather join us, than to go with people of a different language the ___ camps of Spokanes we would welcome; and they would find hard to go with the Okanagons.

We would think too to have some kind title to what we are asking for. When 14 winters ago, deceived by false reports we had foolishly, against the warnings of our teacher, gone to war against the white man, having been rooted by the White head, Colonel Wright, we were keeping aloof: but the priest sent us word that the chief had promised to kill nobody if they would come to him and that there is no cheating in the soldier chiefs: then we met him with all our family near the Church: we made mutual promises and they were written on two papers: he kept one and handed us the other: on it, it is written that we should allow the people to pass freely through the land, to cut wood without ever molesting them and that the land should remain ours.

Since that we have always remembered our promise: We chiefs have always been ___ that our people should behave well; and when lately many white men came and settled on what we thought our own land they have never been disturbed we confidently appeal to the testimony of the settlers on Pine creed: let them say whether they found us good neighbors or not.

Therefore we hope you will grant us this bit of land, and we will feel thankful for it. We know you do help other Indians with tools, clothing and food: there is only one thing we might need: we want Brothers and Sisters to educate our children perhaps we won't yet be able to

maintain them: but about that we intend to write at another time: for all the balance we choose rather to depend on our own hands.

We wish very much too that early in the spring Mr. Simms agent at Colville, or another whom you might appoint would come and visit the land, see what we ask for, and what we have done already. Uncertainty tends to paralyze our people when certain of a home they will work with new energy.

From the Coeur d'Alene Mission this 18th day of November 1872.

We undersigned are witnesses of
the handmarks of the Chiefs.

J. Joset

Andrew X Seltis

EXHIBIT 305T

May-6th 1873–

Hon. L. F. Cartee
Surveyor General

I have just had a talk with Rev. Father Cataldo in regard to the Coeur d'Alene Indian Reservation where he has lived for several years past and I know he represents the views of the Indians.

The old mission on the St. Josephs River has been abandoned by them many years ago. The new mission or rather the Mission (as there is but one) is on the Coeur d'Alene River distant some 15 miles from the St. Josephs River. The section of country to be included is almost worthless as an agricultural country but will include the fisheries on the Lake and on the St. Josephs River. To run to the old mission would not include the fisheries on either the Lake or river.

I think the matter should be arranged before the reservation line is run. Should the fisheries be excluded there will in my opinion be trouble with these Indians but should they be included and also the mission which should also be in the Reservation there will be no trouble.

I send you a rough diagram of what the Reserve should be. I have never been at the Lake or at the Mission but from all I can ascertain I think the diagram is about correct and if the Reserve is made as I propose no settlers will be included. As the boundary is not yet run and I cannot make the survey until it is run there will be time to change the boundary as proposed.

Yours Respectfully
W. Thompson
Dept Surveyor

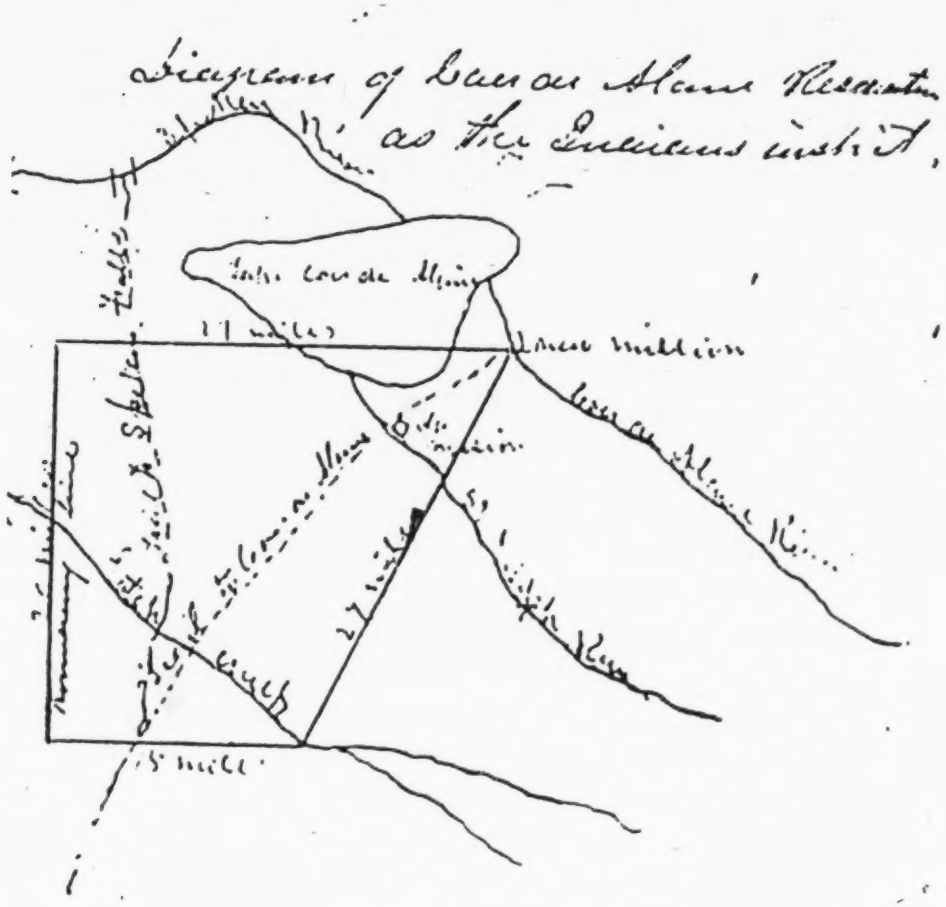

Diagram of Lewis and Clarks Reservation
as the Indians visit it.
Lake Lewis de Maria
11 miles
Lewis Willow
Lewis and Clarks River
Lewis and Clarks River
12 miles
5 miles

EXHIBIT NO. 645T

Office Indian Agent,
Nez Perce Indians,
Lapwai, Idaho Territory, August 1, 1873

C. Delano, Sec of Interior
My Dear sir:

We have seen the Coeur *d'Alenes* and made in *conjunction* with Mr. Monteith an agreement with them to be submitted to you and to Congress. Gerry Chief of the Spokanes is here now and is intensely Protestant. There is much trouble between the Catholics and Protestants on the various reservations.

A copy of a letter purporting to have been written to you by Charles Earing [Ewing] and commuted on by Blulette [Brouillet] a Catholic priest of Washington is circulated here in which it is claimed that you will favor the Catholics with an inspector appointed specially in their sympathy and it is told by Cataldo another priest at Coeur d'Alene that the inspector is the Catholic (he so told _____ and myself). And among other matters of like trouble among the Indians and going to retard them progress by dividing them is circulated throughout this country – General Shirley superintendent of Indian Affairs wrote me Wednesday from Walla Walla urging that I go to Colville to meet these Indians at that place on the 10th. If I can I will but must miss the Shoshones and Bannocks at Kammas Prairie on the 25th just – we will make our effort in full when through –

I only write now to call your attention briefly to the troubles as stated above and to ask you not to permit a survey of the Coeur d'Alene Reservation until our report

is in and do not close any arrangement with the Spokanes especially until our report and until their chief Gary can be heard from by you by letter or otherwise.

The letter purporting the from Charles Earing [Ewing] does not do him and his people full justice.

We will report to you the character of the surveying that has been done on Reservations here.

With High regards

J.P.C. Shanks

Agreement made and entered into on this 28th day of July, A.D., 1873, at Latah (or Hangman's) Creek, in the Territory of Idaho, by and between John P.G. Shanks, John B. Monteith, and Thomas W. Bennett, Special Commissioners on the part of the government of the United States, and the chiefs and head men of the Tribe of Coeur d'Alene Indians.

WITNESSETH:

ART. FIRST:

That the Government of the United States agrees to set apart and secure as a Reservation for the exclusive use of the Coeur d'Alene Indians, and to protect the same from settlement or occupancy by other persons, all and singular, the lands and privilege, lying and being within the following described limits to wit: Beginning at a point on the top of the dividing ridge between Pine and Latah (or Hangman's) Creeks, directly south of a point on said last mentioned creek, six miles above the point where the trails from Lewiston to Spokane Bridge Crossed said creek; thence in a North Easterly direction; in a direct

line, to the Coeur d'Alene Mission, on the Coeur d'Alene river (but not to include the lands of said Mission); thence in a westerly direction, in a direct line, to the point where the Spokane River heads in or leaves the Coeur d'Alene lake; thence down along the center of the channel of said Spokane River to the dividing line between the Territories of Idaho, and Washington, as established by the act of Congress organizing a Territorial government for the Territory of Idaho; thence South along said dividing line to the top of the dividing ridge between Pine and Latah (or Hangman's) Creeks; thence along the top of said ridge to the place of beginning.

Which said Reservation the government of the United States, upon the acceptance of this agreement by Congress shall cause to be surveyed at its own expense, and the boundaries fully defined in accordance with this agreement. Provided that the said government reserves the right to establish in and across said reservation mail routes, military roads, and public highways for the benefit of the citizens of the United States. And provided further that the water running into said reservations shall not be turned from their natural channel where they enter said reservation.

SECOND

And the said Tribe of Coeur d'Alene Indians agree to relinquish to the government of the United States all their rights and title in and to all the lands heretofore claimed by them, and lying and being outside of said described reservation, which said lands are boundaries as follows to

wit: Beginning at the head of the upper Palouse or Mod-
_____sha River in the Territory of Idaho; thence westerly across the ridge to Steptoes Butte; thence Northerly to Antoine Clements Plants on the Spokane river; thence across ridge to foot of Pend d'Oreille Lake; thence up said lake to the summit of the Bitter Root Mountains; thence along the summit of the Bitter Root Mountains to the place of beginning. And said Indians agree to locate and make their homes upon the reservation described in the first article of this agreement. Provided that when the dividing line between the Territories of Washington and Idaho shall have been established by neutral survey, if it shall be found that any of said Indians shall have made improvements on lands situated in the Territory of Washington, the government of the United States agrees to pay the value of such improvements to the Indians who may be at the time the owner thereof. Said value to be ascertained and said payments to be made as may be directed by the Secretary of the Interior.

THIRD

In consideration of the relinquishment of the title to all the lands described in article second of this agreement by said Indians, now in consideration of their removal within the reservation, described in article first of this agreement, the government of the United States agrees as soon after the approval of this agreement as practicable, to furnish to said Indians, at said reservation, the following articles to wit:

10 wagons; 10 setts wagon harness; 50 sett plow harness; 50 ten inch plows; 10 span American manes; ten whip

saws; 10 cross cut saws; 2 mowers with reapers combined; 1 sett blacksmith tools; 2 horse rakers; 20 harrows; 10 grain cradles.

Also to furnish materials and construct on said reservation for the use of said Indians 1 grist and saw mill combined; 1 school house with apartments for male and female pupils; 1 boarding and lodging house for pupils; 1 smith shop.

And the United States further agrees to furnish in United States 5 percent bonds the sum of One Hundred and Seventy Thousand Dollars, the interest to be paid annually, first for the payment of the salaries of the millers and blacksmith herein after provided for, and the residue to be expended under the direction of the President of the United States for schools and for such articles of comforts and for the civilization of said Indians as he may deem proper. *Provided,* the United States reserves the right to pay said principal sums to said Indians at any time after twenty years. And the United States agrees to furnish to said Indians, 1 grist and 1 saw miller and 1 blacksmith to be paid out of interest funds as above provided until such time as said Indians shall determine to dispense with the services of such employees. Said employees to teach the Indians to perform such labor.

FOURTH

It is expressly agreed by and between the said Commissioners and the said Indians, that this agreement shall be submitted to the Congress of the United States, for its approval, and in case the same shall be approved; it shall thereafter be binding and of full force and effect, but if

the same shall not be approved, then it shall be null and void and of no effect.

Done and Signed on this 28th day of July, A.D. 1873, in general council, at Latah (or Hangman's) Creek in the Territory of Idaho.

John P. Shanks
Witness

____Monteith

P. B. Whitman
F. M. Cataldo, P.S.

L.W. Bennett
Commissioners

Andrew Seltis Head Chief
(his mark)
Vincent Choshini Head Chief
(his mark)
Damas
(his mark)
Edward
(his mark)
Regis
(his mark)
Prine
(his mark)
Veucils
(his mark)
Bartholumi
(his mark)

Interpreters' name –

P.B. Whitman
Morris – a Nez Perce

EXHIBIT 704

10/4/1873
GOVERNOR BENNETT'S LETTER.

BOISE CITY, I. T. Sept. 18, 1873.

EDITOR SIGNAL – *Sir*: – I have just read an editorial in your paper of the 13th inst. in reference the "Coeur d'Alene Reserve." Your article contains so much that is calculated to misinform the people and do injustice to Gen. Shanks that I deem it not improper to offer a correction of statements that I am sure were made under misapprehension.

In the first place there never was a reservation provided these Indians that was binding on them. The President, by an executive order, had defined the boundaries of one and the Indians refused to accept of it. Gen. Shanks and myself were directed by the Secretary of the Interior to see these Indians and ascertain what were their desires and learn what compensation would induce them to cede to the Government all their title to lands outside the reservation, and to retire within their reservation. We found that the Indians *demanded* an extension of their reservation so as to include the Catholic Mission and fishing and mill privileges on the Spokane River. And yet you declare that the Indians did not ask for an extension of reservation.

The reservation as proposed by the executive of the President included a portion of the Pine Creek Valley and consequently many settlements. The proposed new reservation, by the full-consent of the Indians, will have its

southern boundary along the top of the dividing ridge between Pine and Hangman's creeks, thus leaving out the whole of the Pine Creek Valley and the settlers in it. Yet, you say exactly to the contrary, and inform your readers that, whereas these settlers were out of the reservation, they are now in; while the fact is, whereas they were in, now they are out. Hangman's Creek is within the reservation, and if there are any white settlers on the part of that creek included in the proposed reservation I did not find them, although I was all over the valley; and if there should be any they are no worse off than before, for they were in the old reservation. As to Rock Creek, I do not know where it is, and therefore cannot speak of it only that we were assured both by the Indians and white settlers that the new reservation would not include any settlements not in before. And again, no new reservation was made, – only one defined as asked for by the Indians and a release drawn for all the Indian title to all the surrounding country, and the whole matter to be referred to Congress as the only power that can act in the matter; so that you see you have been entirely misinformed on the subject. Gen. Shanks and myself are both of the opinion that these Indians should be consolidated with the Spokanes and other tribes and put upon the Spokane Reservation, as that is large enough for all. We had no power to change the Indian policy of the Government, but to examine and report facts as we found there. We made no treaty, and had no power to make one.

While the Government treats the Indians as a high contracting party, and owning originally *all* the land, the

white settler certainly should not complain that arrangements are made whereby the Indian takes a *part* and cedes the balance to the Government for the use of the settler. Then, if those Indians should get a reservation of 750,000 acres, as you say, it will still be better than that they retain the ownership of all the millions of acres which they claim, and which claim the Government admits. You and I may differ with the Government in these questions of policy, yet when we are in the employ of the Government we must carry out the policy and instructions of the Government and not substitute that of our own. As for myself, I entertain views on these matters entirely at variance with the policy of the Government. I do not believe the Indian should be treated as a contracting party. I should make no treaties with him. I do not believe the Indian has any real *ownership* in the soil that should be recognized by a civilized Government. I believe the sooner the Government abandons all such ideas the better for the Government and for the Indian. I believe the true policy to be that the Government owns every foot of the public domain untrammelled by the imaginary titles of uncivilized Indians, and that in all dealings with Indians the Government should treat them as a guardian treats his wards, or as the father treats his children, and not as contracting equals. The Government should treat the Indian according to his *necessities* and *real interests*, and not according to his *desires* and *speculative interests*, – and the Government is surely the better judge of these necessities and interests. Under such a policy the Government could select proper reservations for all the Indians of the country without consulting them, and then force them to go upon them. Such reservations could be

few in number and so located as to concentrate the Indians of the country, and thus greatly lessen the cost of their protection and civilization and decrease the opportunities for fraud and robbery, while the whole country would be safe from danger. And as the child is better protected by the father than he can possibly do for himself, so would the Indians fare much better than now. Then, I think you will concede that the press could do more service to the country and less injustice to individual agents of the Government, by attacking the policy of the Government, than by reflections upon those who are honestly and faithfully endeavoring to carry out their instructions. Hoping that you will correct so much of your article as misleads the settlers of Northern Idaho, especially those on Pine Creek, I subscribe myself.

Yours truly,

T. W. BENNETT.

THE COEUR D'ALENE RESERVE.

To-day we publish Governor Bennett's letter in relation to the Coeur d'Alene Reserve. The Boise *Statesman* said it would give facts and figures relative to the boundary of this reserve which would set the SIGNAL right. We have carefully scanned the columns of the *Statesman* but have not yet seen them. Our informant in the first instance is a gentleman of undoubted veracity, and when Governor Bennett says we have been misinformed and are wrong in the premises we are nonplussed and know not what to reply. It was not our intention, however, to do an injustice to either Governor Bennett or General Shanks

when we made the statement, but simply to deprecate the policy of the government in its Indian affairs; and now, after having perused Mr. Bennett's personal views on Indian matters, we candidly admit that we will at all times accord him the credit of carrying out the instructions of the government, irrespective of all personal opinions. The Indian policy of the government is one of vital importance to the people of all the Territories, and with the views held by Governor Bennett as set forth in his letter, they will heartily accord.

EXHIBIT 234

FIRST SESSION, FORTY-THIRD CONGRESS.

EXECUTIVE DOCUMENTS
PRINTED BY ORDER OF
THE HOUSE OF REPRESENTATIVES.
1873-'74.

* * *

REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
November 1, 1873.

I have the honor, in accordance with law, to forward herewith the annual report of Indian affairs of the country.

In respect to the general question of civilization of Indians, the record of the year is a good one. In many of the agencies gratifying progress has been made, as shown in increased interest in the education of children, a disposition to labor, the desire for allotment of lands, and in the increase of stock and ordinary farm products, and other personal property. At other agencies serious efforts in the same direction have developed more decidedly the difficulties which lie in the way of progress. Among these hinderances six are specially noticeable.

* * *

[Page 385]

* * *

COEUR D'ALENES.

The commission appointed to visit certain Bannock Indians, near Fort Hall, Idaho, were directed, under instructions from this office of the 1st of July last, to visit the Coeur d'Alene Indians, to hear complaints, with a view to their cure or removal, and to induce them to abandon a roving life and to consent to confine themselves to a reservation. They succeeded in having a council with these Indians, and as a result of their negotiations, the Indians agreed to go upon a reservation which was, at the time, described to them, and which has since been set apart temporarily by the President until legislation can be had thereon by Congress. For further particulars attention is invited to article entitled "Legislation recommended."

NORTHERN PACIFIC RAILROAD.

A commission was appointed on the 11th of March last to visit the roving Indians likely to oppose the construction of the Northern Pacific Railroad, through the valley of the Yellowstone, and instructed to open negotiations with them having in view the removal of all such opposition, and as far as possible obtaining the consent of said Indians to withdraw all further obstacles to its construction. The commission reported on the 9th of May that they had met nearly all the bands of Indians residing in the locality of the proposed route of said railroad, and

after submitting to them the object of their visit, felt assured that there would be no combined action on the part of the Indians against its further construction.

[Page 392]

* * *

AGREEMENT WITH COEUR D'ALENE INDIANS IN IDAHO.

In 1867 an Executive order was issued setting apart a reservation for the Coeur d'Alenes, but, being dissatisfied with the location, they never located thereon, and continued to roam over the tract of country claimed by them. For the purpose of extinguishing their claim to all the tract of country claimed by them, and of locating them on a reservation suitable to their wants as an agricultural people, an agreement has been made with them by Hon. J. P. C. Shanks, Gov. Bennett, of Idaho, and Agent J. B. Montieth, subject to ratification by Congress, which is respectfully recommended. Pending such action by that body, I have deemed it prudent to have set apart by executive order the tract of country described in said agreement as a reservation for said Indians, in order that white persons may be prohibited from settling thereon and claiming compensation for improvements from the Government.

* * *

EXHIBIT 275

Executive Orders

Relating to

Indian Reservations

From May 14, 1855

to July 1, 1912

[SEAL]

WASHINGTON

GOVERNMENT PRINTING OFFICE

1912

* * *

DEPARTMENT OF THE INTERIOR.

Washington, D.C., June 13, 1867.

SIR: I submit herewith the papers that accompanied the inclosed report of the Commissioner of Indian Affairs of the 23d ultimo, in relation to the propriety of selecting reservations in Idaho Territory upon which to locate the Coeur d'Alenes and other Indians in the northern part of Idaho, and the Boise and Bruneau Bands of Shoshones in the southern part of that Territory.

This department concurs in the recommendation of the Commissioner of Indian Affairs, that the lands indicated upon the annexed diagram, and defined in the accompanying report of the Commissioner of the General Land Office of the 6th instant, be set apart as reservations for the Indians referred to, and I have the honor to request, if it meets your approval, that you make the requisite order in the premises.

With great respect, your obedient servant.

W. T. OTTO, *Acting Secretary.*

THE PRESIDENT.

WASHINGTON, D. C., *June 14, 1867.*

Let the lands be set apart as reservations for the Indians within named, as recommended by the Acting Secretary of the Interior.

ANDREW JOHNSON.

EXECUTIVE MANSION, *November 8, 1873.*

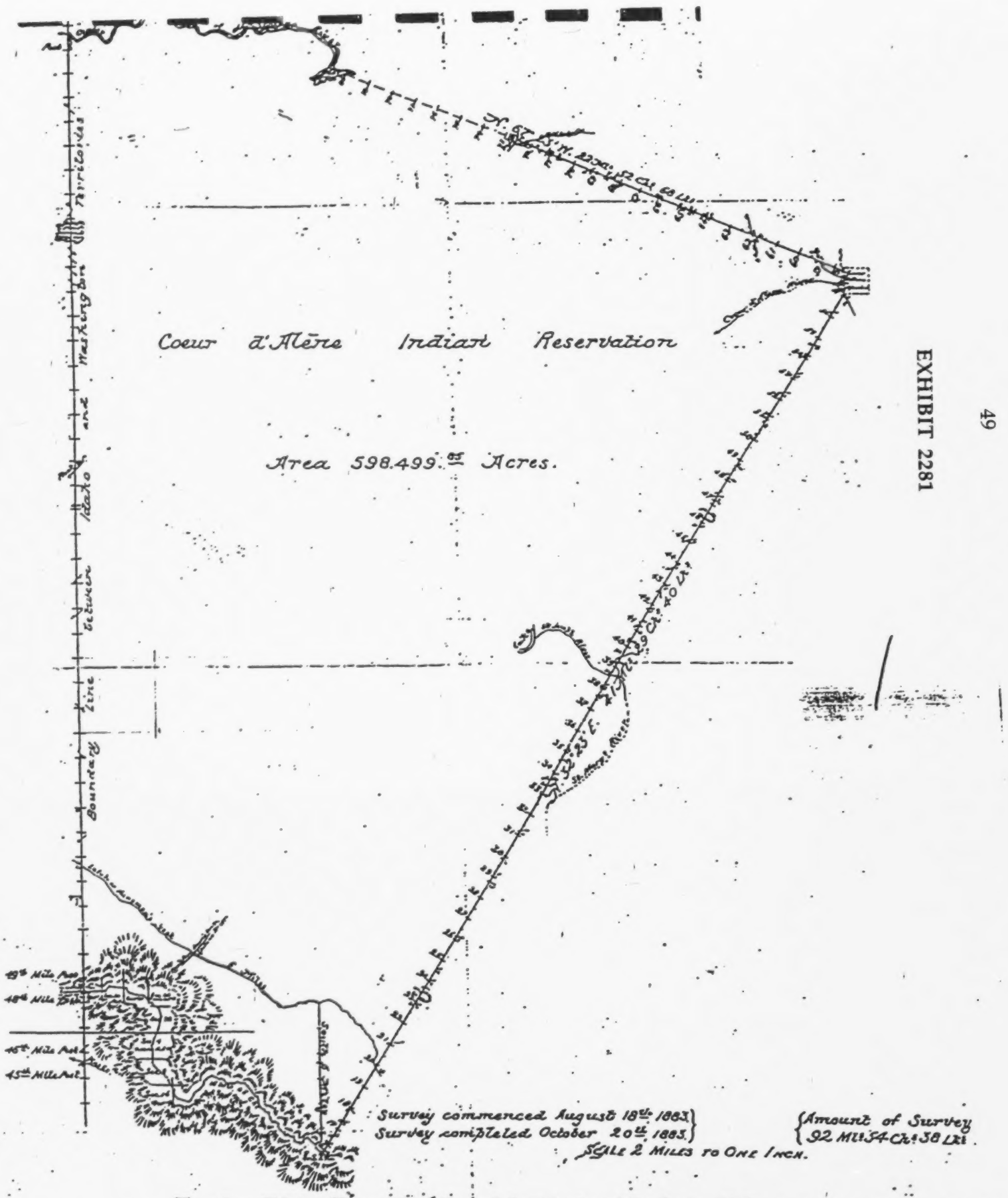
It is hereby ordered that the following tract of country in the Territory of Idaho be, and the same is hereby, withdrawn from sale and set apart as a reservation for the Coeur d'Alene Indians in said Territory, viz:

Beginning at a point on the top of the dividing ridge between Pine and Latah (or Hangmans) Creeks, directly south of a point on said last-named creek 6 miles above the point where the trail from Lewiston to Spokane Bridge crosses said creek: thence in a northeasterly direction in a direct line to the Coeur d'Alene Mission on the Coeur d'Alene River (but not to include the lands of said

mission): thence in a westerly direction in a direct line to the point where the Spokane River heads in or leaves the Coeur d'Alene Lakes; then down along the center of the channel of said Spokane River to the dividing line between the Territories of Idaho and Washington as established by the act of Congress organizing a Territorial government for the Territory of Idaho: thence south along said dividing line to the top of the dividing ridge between Pine, and Latah (or Hangmans) Creeks: thence along the top of the said ridge to the place of beginning.

U. S. GRANT.

EXHIBIT 2281



The above Map of so much of the out boundaries of the Coeur d'Alene Indian Reservation in Idaho as are not marked by prominent natural boundaries and by the surveyed line between Idaho and Washington Territories as surveyed by Darius F. Baker, U.S. Deputy Surveyor, under his contract No 96, dated April 5th 1883, is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

U.S. Surveyor General's Office,
Boise City, Idaho Territory
May 15th 1884.

William P. Chenoweth
U.S. Surveyor General for Idaho

Department of the Interior
General Land Office
Washington, D.C. 1884

A true copy

Chief Clerk

EXHIBIT 649

Act of May 15, 1886
24 Stat 29, 44

CHAP. 333. – An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-seven and for other purposes.

. . . .

To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians in the State of Minnesota for such modification of existing treaties with said Indians and such change of their reservation as may be deemed desirable by said Indians and the Secretary of the Interior, and as to what sum shall be a just and equitable liquidation of all claims which any of said tribes now have upon the Government; and also to enable said Secretary to negotiate with the various bands of tribes of Indians in Northern Montana and at Fort Berthold, in Dakota, for a reduction of their respective reservations, or for removal therefrom to other reservations; and also to enable said Secretary to negotiate with the Upper and Middle bands of Spokane Indians and Pend d'Oreilles Indians, in Washington and Idaho Territories, for their removal to the Colville, Jocko, or Coeur d'Alene reservations, with the consent of the Indians on said reservations; and also to enable said Secretary to negotiate with said Indians for the cession of their lands to the United States; and also to enable said Secretary to negotiate with the Coeur d'Alene Indians for the cession of their lands outside the limits of the present Coeur

d'Alene reservation to the United States, fifteen thousand dollars, or so much thereof as may be necessary, to be immediately available; but no agreement made shall take effect until ratified by Congress.

EXHIBIT 426

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Office Acting Inspector General,
Vancouver Barracks, W. T., July 27th, 1886.

To the
Adjutant General, U. S. Army,
War Department, Washington, D. C.

Sir:–

I have the honor to report that, in obedience to the requirements of Special Orders No. 126, paragraph 4, from Headquarters Department of the Columbia, dated the 20th instant, I proceeded on the 21st to Fort Coeur d'Alene, Idaho, to investigate certain allegations embraced in letter to the Honorable Commissioner of Indian Affairs from R.E. McFarland, Esq., Register of the Land Office at Coeur d'Alene, Idaho, and referred to the War Department by the Honorable Secretary of the Interior, with reference to the sale of liquor upon the steamer "Coeur d'Alene", within the limits of the Coeur d'Alene Indian Reservation, Idaho.

In relation thereto I respectfully submit the following report, with inclosures. It is to be observed that, with the exceptions of a few indentations on its northern coast, the entire lake of Coeur d'Alene, and about twenty-five miles of the river of Coeur d'Alene – from the mouth up, as far as the landing on that river, known as the "Old Mission" – lay wholly within the Coeur d'Alene Indian Reservation.

The steamer "Coeur d'Alene" makes three round trips each week between the landing at the village of the same name, (which village adjoins the military reservation, one mile square, of the post of Fort Coeur d'Alene), down the lake: thence up the Coeur d'Alene river to the Old Mission – i. e. the entire course is within the limits of the Coeur d'Alene Indian reservation.

It makes, *en route*, the two regular landings of Rockford and Farmington. A wagon road from each of these landings leads to a small town situated without the Indian reservation, and of the same name as the landing. Miscellaneous freight and all classes of passengers, are taken on and put off at each of these landings. Besides these regular landings, the boat made, during my trip on her from Coeur d'Alene to the Old Mission and return, several other landings, putting off and taking on at each, individual passengers, with their luggage, and also fishing and excursionist parties, with their supplies.

From the time of leaving the town of Coeur d'Alene to the Old Mission, on the 23rd, and from the Old Mission to the first named place on my return trip, on the 24th, instant, an open bar was kept on the boat, at which drinks of various sorts of liquor, were very freely and frequently sold. As the boat touched the landings of Rockford and Farmington, the form was gone through with of pulling down the glass window in front of the bar for a moment, until the boat was again afloat, when the business of mixing and selling drinks was at once resumed and continued. I am reliably informed that even this lowering of the window at these landings is unusual, that the common custom is to leave it open and continue the sale of liquor.

It can be established that the free sale of liquor on board the "Coeur d'Alene", in the manner above detailed, has been carried on during her trips, for nearly a year. From [illegible] of three witnesses, whose statements I consider to be reliable, I am satisfied that liquor has been repeatedly sold by the glass on the boat, while she was tied up at 1 landing between Coeur d'Alene and the Old Mission, on the Indian reservation, and that it has also been sold on such occasions by the bottle, to be taken away and drank on the Indian reservation; that, as long as the boat was running last year, liquor was continually sold on it to miners and others while the boat was tied up at the old landing, which was within the Indian reservation, (near the Old Mission).

My information is reliable, that gambling and drinking, continued all night, is not an unfrequent occurrence on the boat at the present time, during her stay at or near the Old Mission landing. Indians employed on the boat as deck hands, have been seen on more than one occassion, under the influence of liquor, and a fair presumption is that the liquor was procured on board: and it is credibly stated that liquor has been sold repeatedly to half breed Indians.

The present landing on the Coeur d'Alene river is on ground rented from the Catholic Mission grant, and is not embraced within the limits of the Indian reservation: during a part of the year 1885, however, the landing there was within the limits of the reservation.

In short it is a fair statement to say that there exists to-day, and for a year past that there has existed, on the Coeur d'Alene steamer, a traveling bar-room for the retail

sale of liquor, accessable at all times on her trip, to all classes of whites.

As stated, it is comparatively recently that the steamer landing on the Coeur d'Alene river was [illegible] fully within the limits of the Indian reservation to the present landing, which is not within those limits.

Among the miscellaneous stores put ashore at the old landing, and on the Indian reservation, were large quantities of liquor. It will be seen, from the affidavit (marked "A") accompanying this report, of Mr. George McCabe, the former superintendent of freight on this line, that this liquor is not only landed on the Indian reservation, but that it was usually stored in the store-house of the Indian trader, Mr. James Monaghan, and concealed there for a long time, with his knowledge and consent.

Of the statutory violation by the owners of the steamer "Coeur d'Alene", in my judgment, it is fully susceptible of proof that Sec. 2139, R. S., is now, and has for more than a year past, been constantly transgressed, by the wilful introduction, storage, and sale of liquor within the limits of the Indian reservation; and in the furnishing, or the permitting to be furnished, of liquor to Indians, and to people of Indian blood: For these violations of law the boat should be libeled and seized, and proceedings instituted by the United States District Attorney, against the owners, for their unscrupulous conduct.

I am so well satisfied of such violation that, had my instructions not been limited to investigation only, I should have applied to the commanding officer of the

post of Coeur d'Alene, for the military seizure and detention of the steamer "Coeur d'Alene", for further procedure, as provided by Sec. 2140, R. S.

One of the present owners of the steamer "Coeur d'Alene" is I am credibly informed, Mr. James Monaghan, post trader at the military post of Fort Spokane, and authorized Indian trader of the Indian military reservation of Coeur d'Alene; another is Mr. C. B. Ming, post trader at the military post of Coeur d'Alene; another is Captain Samuel McKeever, of the 2nd H. S. Infantry; and another is Captain Abner Faines, of the 2nd Infantry.

Mr. Monaghan and Mr. King are co-partners in many enterprises in that section of the country, and each makes his position of trader a base of financial operations. Inasmuch as they have availed themselves of their government appointments to intentionally violate the law, I recommend that they both be at once removed from their places; and that the commanding officers of the military posts of Spokane and Coeur d'Alene, shall see to it, that neither of these men are permitted to have any further interest in traderships, in government contracts; or in other commerical transactions affecting the government; I also particularly invite attention of the Department to the fact that Mr. Monaghan is, I am informed, at the present moment, the authorized Indian trader on the Indian reservation, that such action may be taken as is deemed most advisable in his case.

Captain Samuel McKeever, of the 2nd Infantry, is at the present time the vice president of the steamboat company, and as stated, is, as I am informed, together with

Captain Malnos of the 2nd Infantry, an owner and manager. Inasmuch as Sec. 240, R.S., makes it the duty of every army officer to see that the laws governing the Indian country, are not violated, and, inasmuch as those officers appear to have been knowingly, actively conspiring in such violations that they be held accountable under the rules and articles of War for their conduct.

The mining enterprises in the Coeur d'Alene mountains have already, in the opening, and developing of mines and attendant interests, absorbed some hundreds of thousands of dollars capital. By reference to the topographical sketch inclosed, it will be seen that there is a route to the mines over the old Mullen road; and that there is another route from Thompson, Montana; so that the mining interests are not dependant upon the route across the lake through the Indian reservation, though no doubt such route is the most expeditious.

If steamers are allowed to continue to ply to and fro on the lake, they should be heavily bonded not to carry liquor or in any form, or under any circumstances; and managers and owners should be held responsible that passengers, and fishing and excursionist parties, transport no liquor across, or, to the shores of the lake.

Plainly, too, that the interests of the Indians may be fully protected, authorized landings should be designated, as well as the kind and extent of carriage and traffic; otherwise, with rapidly increasing commercial demands of the mines, the route is likely soon to become a highway for the public, as general and as unconditioned as any route in the country.

Already the Rockford and Farmington landings are becoming important points of supply in cattle and subsistence stores for the mines, and the traffic to these points, to and fro, from the towns of Farmington and Rockford, is very considerable. Of course, all this would be suspended, and the reservation be infinitely more secured to the Indians, if steamboat travel on the lake should cease.

Respectfully submitted,

(signed)

H.M. Lazelle
Lieut. Col. 2nd Infantry,
Acting Inspector General.

EXHIBIT 427T

(21307-1886)

War Department,
Washington City, August 9, 1886

Dear Mr. Secretary:

I beg to enclose the report of Lieut. Col. Lazelle's investigation of the charges made by Register R.E. McFarland with reference to the sale of liquor on the Steamer "Coeur D'Alene" within the Coeur D'Alene Military Reservation, and shall be glad to have this matter made special, so that I may confer with you on the subject at the cabinet meeting tomorrow.

Very truly yours,
Wm. C. Endicott,
Secretary of War.

Hon S.Z.C.Lamar
Secretary of War [Interior]
Enclo

EXHIBIT 3152

Department of Justice,
Washington,
October 9, 1886.

The Secretary of the Interior.

Sir:

Referring to your letters of July 30th, and August 21, 1886, with the enclosures, relative to the alleged sale of liquor upon the steamboat "Coeur d'Alene" within the Coeur D'Alene reservation in Idaho, I beg to transmit herewith for your information and consideration, copies of the reports by Special Agent John T. Wallace of this Department of the 26th and 27th ultimo.

Upon the receipt of your communications, the District Attorney for that Territory was furnished with copies of the correspondence submitted by you,and instructed to take cognizance without delay of that portion of the ex-parte matter which tended to establish a prima facie violation of Section 2139 Revised Statutes prohibiting the introduction of ardent spirits within the Indian country, and to take the proper steps to place the matter before the Grand Jury for investigation. Special Agent Wallace was also instructed to co-operate with the District Attorney and render him all assistance necessary. It appears from Mr. Wallace's reports that his efforts to stop the sale of whiskey by the steamboat company within the Coeur d'Alene reservation have been successful.

A copy of his letter of the 3rd instant,with a copy of one to him from the President of the Coeur d'Alene Navigation

Company giving the assurance that no further sale of liquors on its boats would be allowed,are herewith transmitted.

Very respectfully,
/s/ [Illegible]
Attorney General.

EXHIBIT 3139

HOUSE OF REPRESENTATIVES.

50TH CONGRESS. *1st Session.*

EX. DOC. No. 63.

REDUCTION OF INDIAN RESERVATIONS.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING

A communication from the Secretary of the Interior, with accompanying papers, relating to the reduction of Indian reservations.

JANUARY 9, 1888. – Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of 30th December, 1887, from the Secretary of the Interior, submitting, with accompanying papers, two additional reports from the Commission appointed to conduct negotiations with certain tribes and bands of Indians for reduction of reservations, etc., under the provisions of the act of May 15, 1886 (24 Stats., 44), providing therefor.

GROVER CLEVELAND.

EXECUTIVE MANSION,
January 9, 1888.

DEPARTMENT OF THE INTERIOR,
Washington, December 30, 1887.

The PRESIDENT:

Under the respective dates of January 11 and February 17, 1887, I had the honor to submit to you for transmittal to Congress two separate reports received by this Department through the Commissioner of Indian Affairs from the Commission commonly known as the Northwest Indian Commission, appointed under the provisions of the act of May 15, 1886, to negotiate with certain Indian tribes in Minnesota and the Northwest Territories (24 Stats., 44).

Those two reports, with their accompanying correspondence, which may be found in Senate Ex. Docs. No. 30 and No. 115, Forty-ninth Congress, second session, relate, the first to an agreement made with the Arickaree, Gros Ventre, and Mandan Indians residing upon the Fort Berthold Reservation in Dakota, and the other to two agreements made with certain of the Chippewa Indians in the State of Minnesota.

[2] I now have the honor to submit herewith two additional reports made by the said commission, with the accompanying letter of the Commissioner of Indian Affairs forwarding them to the Department, with five agreements made with various tribes and bands of Indians in the northwest, viz: The Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians upon the reservation commonly known as the Great Blackfeet Reservation in northern Montana; the Upper and Middle bands

of Spokane Indians; the Coeur d'Alene Indians; the Pend d'Oreille or Calispel Indians; the Indians upon the Jocko Reservation in Montana.

The Commission report that they visited the Bois Forte and Grant Portage Reservations in Minnesota and held council with the bands thereon, but failed to secure their acceptance of or consent to the agreements made with the other Chippewas on September 7, 1886.

The five agreements now presented, together with the three heretofore reported, compete the work of negotiation so far as it could be accomplished by the Department with the tribes and bands of Indians for which provision was made in the act of May 15, 1886.

The Commissioner of Indian Affairs in his report, herewith, reviews at some length the provisions of each of the accompanying agreements, which may be briefly though very generally summarized, as follows:

The agreement with the Indians in northern Montana provides for the cession to the United States of over 17,500,000 acres of the large reservation now occupied by them, estimated to contain 21,651,000 acres, for a consideration of $4,500,000, to be expended for the benefit of the Indians in manner therein provided, in ten annual installments, so far as may be required; any excess above such requirements to be placed in the Treasury to their credit, etc. The unneeded portion of the reservation to be divided into three separate reservations, whose boundaries are given, for the Indians belonging to the three agencies located therein.

The Upper and Middle bands of Spokane Indians, in the agreement with them, relinquish to the United States any right, title, and claim which they now have or ever

had to any and all lands lying outside of the Indian reservations in Idaho and Washington Territories, and agree to remove to the Coeur d'Alene Reservation in Idaho, except such as prefer to go to the Jocko Reservation, in Montana, the consideration being $95,000, to be expended for their benefit in manner as specified in the agreement.

The Coeur d'Alene Indians, in the agreement made with them, relinquish to the United States, for the consideration of $150,000, to be expended for their benefit, etc., all right, title, and interest they now have or ever possessed to and in any lands outside the limits of their present reservation in the Territory of Idaho; they also agree to the removal to and settlement upon their reservation of the Upper and Middle bands of Spokane Indians, the Calispels (Pend d'Oreilles) now residing in the Calispel Valley, and to any other bands of non-reservation Indians belonging to the Colville Agency, Washington territory, etc.

The Pend d'Oreille or Calispel Indians, in agreement made with them, relinquish all right, title, and claim they have or ever had to lands in Idaho or Washington Territories or elsewhere, and agree to remove to and settle upon the Jocko (Flathead) Reservation, in Montana, except such as may prefer to go to the Colville Reservation, in Washington Territory, or to the Coeur d'Alene Reservation, in Idaho Territory; the consideration being the erection of saw and grist mill, building houses for Indians, clearing and breaking lands, etc.

The Indians on the Jocko (Flathead) Reservation, in the agreement with them, consent to the removal to and

settlement upon their reser [3] vation of the Upper and Middle Spokanes and Pend d'Oreilles; the consideration being the erection on the reservation for the Indians, by the United States, of a saw and grist mill, and providing a blacksmith and tools, etc.

The law under which these negotiations have been conducted provides that "no agreement shall take effect until ratified by Congress."

The Commissioner of Indian Affairs in his report herewith expresses the opinion that these agreements are just and favorable alike to the Government and to the Indians. He recommends their speedy ratification, and submits estimates of the various amounts required to be appropriated at this time by Congress to carry out the terms of the negotiations, which will be found on the concluding pages of his report.

By these negotiations a very large area of land now in state of reservation for Indian purposes, being the excess of quantity needed for the actual use of the tribes and bands for whom it has been held in reservation, is placed at the disposal of the United States so that it may be opened to settlement in such manner as Congress in its wisdom may direct; and further, the adjustment of claims asserted by Indians to large portions of land in Washington and Idaho Territories, now largely occupied by settlers, is provided for. When these negotiations shall have been fully ratified they will remove some serious hindrances to the contentment, the permanent settlement, and the more rapid advancement in civilization of the tribes and bands who are parties thereto. The money necessary to be appropriated for their support and to

assist them forward in the ways of civilization will not be, as heretofore, so largely a gratuity from the Government, but will go to them by judicious expenditures as consideration for valuable rights and claims which they have ceded and relinquished to the Government.

For these and other like reasons I concur in the recommendation of the Commissioner that the agreements be speedily ratified.

I have the honor to be, very respectfully, your obedient servant,

L.Q.O. LAMAR,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 13, 1887.

SIR: Referring to office reports, dated January 8 and February 11, 1887, respectively, transmitting two separate reports of the Northwest Indian Commission and accompanying agreements made with the Arickaree, Gros Ventre, and Mandan tribes of Indians occupying the Fort Berthold Reservation, in Dakota, and the Chippewa Indians in Minnesota, which reports, agreements, and accompanying papers form the subject-matter of Senate Ex. Docs. No. 30 and 115, respectively, Forty-ninth Congress, second session, I now have the honor to transmit herewith duplicate copies of two additional reports of said Commission and accompanying agreements (five in all) made with the several tribes in northern Montana, occupying the Gros Ventre, Piegan, Blood, Blackfeet, and Crow River Reservation, commonly known as the Great

Blackfeet Reservation, and the Upper and Middle bands of Spokane Indians, the Pend d'Oreilles, or Calispels, and the Coeur d'Alenes in Idaho, and the Flathead, Pend d'Oreille and Kootenai Indians of the Flathead Reservation in Montana. These reports are dated, respectively, February 11 and June 29, 1887.

[4] The authority under which these several agreements were negotiated is found in the Indian appropriation act, approved May 15, 1886 (24 Stats., p. 44), which reads as follows:

To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians in the State of Minnesota for such modification of existing treaties with said Indians and such change of their reservations as may be deemed desirable by said Indians and the Secretary of the Interior, and as to what sum shall be a just and equitable liquidation of all claims which any of said tribes now have upon the Government; and also to enable said Secretary to negotiate with the various bands or tribes of Indians in northern Montana and at Fort Berthold, in Dakota, for a reduction of their respective reservations, or for removal therefrom to other reservations; and also to enable said Secretary to negotiate with the Upper and Middle bands of Spokane Indians and Pend d'Oreille Indians, in Washington and Idaho Territories, for their removal to the Colville, Jocko, or Coeur d'Alene Reservations, with the consent of the Indians on said reservations; and also to enable said Secretary to negotiate with the Coeur d'Alene Indians for the cession of their lands outside the limits of the present Coeur d'Alene Reservation to the United States, $15,000, or so much thereof as may be necessary, to be immediately available; but no agreement shall take effect until ratified by Congress.

* * *

[9] AGREEMENT WITH THE COEUR D'ALENE INDIANS.

These Indians also lay claim to a large tract of country in Washington, Idaho, and Montana Territories, by right of original occupancy, and as we have seen, the act authorized negotiations with them "for the cession of their lands outside the limits of the present Coeur d'Alene Reservation to the United States."

By the terms of the agreement made with them, the Indians cede and relinquish to the United States all right, title, and interest they now have or ever possessed in any lands outside the limits of their present reservation.

They also agree to the removal and settlement upon their reservation of the Upper and Middle bands of Spokane Indians, upon the terms and conditions agreed upon with said Spokane Indians, and also to the removal and settlement there of the Calispels (Pend d'Oreilles) now residing in the Calispel Valley, and any other band of non-reservation Indians belonging to the Colville Agency, upon terms agreed upon with any such bands.

In consideration of the foregoing, it was agreed that the Coeur d'Alene Reservation shall be forever held as Indian lands, for the home of the Coeur d'Alene and other bands settled there under said agreements, and that it shall never be sold or otherwise disposed of without their consent.

It is further agreed that the United States shall expend the sum of $150,000 for the benefit of the Coeur d'Alene Indians; $30,000 the first year and $8,000 per annum for fifteen years thereafter, in providing them with a steam saw and grist mill, in the employment of an

engineer and miller, and in the purchase of such useful articles as shall best promote their civilization, education, and comfort, and, under certain stipulated conditions, cash payments may be made to them. In addition to this, it is agreed that the United States shall employ, at its own expense, a competent physician, blacksmith, and carpenter, and supply medicines for said Coeur d'Alene Indians.

There are some other provisions intended to protect the morals and improve the conditions of said Indians, but the foregoing are the principal features of the agreement.

The Commissioners give an interesting account of the Coeur d'Alene Indians, and commend them in the highest terms for industry, thrift and sobriety. They speak of them as polite in a marked degree and exceedingly good-natured. They wear short hair, dress like the whites, and emulate them in everything save their vices. They live in comfortable houses, many of them having two – one on the farm and another in the village – cultivate the soil extensively, are loyal to the Government, respectful of the laws, devoted to their religion, and in short a better ordered or behaved community of Indians can nowhere be found. Such is the testimony of the Commissioners.

* * *

[10] In submitting these several agreements (5) for transmittal to Congress, I have the honor to make the following suggestions and recommendations:

In my annual report for the current year, in speaking of the work of this commission, I observed that it was not to be expected that any suggestions or recommendations of

the commission would be adopted by Congress which the existing severalty law might render unnecessary.

After carefully reviewing the reports of the commission and the several agreements submitted by them, I am free to say that in my judgment [11] the severalty act, so called, could not be substituted for the agreement made with the Indians in Northern Montana, nor the several agreements made with the Indians in Idaho and Washington Territories, with equal benefit to the Indians concerned, for the following reasons:

The Indians in northern Montana – on the Great Blackfeet Reservation – are not sufficiently advanced in civilization to take lands in severalty, and assume the obligations and responsibilities of citizenship which is conferred upon all those to whom individual allotments are made under said act.

Not only are they not prepared to take lands in severalty, but they do not desire to take that step at present; and the President has wisely ordered that allotments shall be made only on reservations where the Indians are known to be generally favorable to the experiment. Moreover, as shown in the beginning of this report, the country occupied by them is altogether unsuitable for that purpose. The Indians must be provided with stock for breeding purposes, and encouraged to raise cattle, sheep, and horses, not to the entire exclusion of farming, but as their chief industry and dependence. This they can do better, probably, at least for some time to come, by holding their lands in common. There is nothing, however, to prevent their taking grazing lands in severalty if at any time in the future it shall be deemed desirable to try the experiment with them.

Furthermore, if the agreement should fail of ratification, it is likely that these Indians will for a long time to come remain, as now, entirely dependent upon the bounty of the Government; and their vast possessions will continue to stand as a bar to the progress and development of the Territory which embraces them.

The agreements with the Upper and Middle bands of Spokane Indians and the Pend d'Orelle Indians provide for their removal and settlement upon the Coeur d'Alene and Jocko Reservations, and for the settlement of claims against the Government on account of bands taken from them in time past without compensation. The severalty act could not accomplish these much-desired objects, nor could it be substituted for other beneficent provisions found in said agreements with the Coeur d'Alene and Flathead (Jocko Reservation) Indians. The former provides for the settlement of a land claim similar to those of the Spokanes and Pend d'Oreilles; and also makes provision for the settlement of the Spokanes on the Coeur d'Alene Reservation, while the latter provides that the scattered Pend d'Oreille and other Indians may settle on the Jocko Reservation; objects greatly to be desired. From all that has been said, then, it will be seen that the several agreements must stand upon their own merits, irrespective of the severalty act, whose provisions it will be my endeavor to carry out wherever practicable.

To my mind the agreements are just and favorable alike to the Government and Indians. Millions of acres of land, equal to a great State, are made available to the white settler; long-standing and provoking claims against the Government are amicably adjusted; a very large number of Indians hitherto living in idleness, poverty,

and vice – a standing menace to the peace of the country – are to be gathered upon existing reservations, and assisted in the paths of civilization and toward their final self-support; and I think if faithfully carried out the future of these Indians will be extremely hopeful.

I therefore have the honor to recommend their speedy ratification.

* * *

[30] REPORT OF NORTHWEST INDIAN COMMISSION.

Washington, D. C., June 29, 1887.

Hon. J. D. C. ATKINS,

Commissioner of Indian Affairs, Washington, D. C.:

SIR: We hereby beg leave to submit a report of our proceedings with the Upper and Middle bands of Spokanes, Coeur d'Alenes, Lower bands of Pend d'Oreilles or Calispels, Confederated bands of Flatheads, Pend d'Oreilles, and Kootonais, Chippowas of Bois Forte, and Grand Portage Indians, residing in the Territories of Washington, Idaho, and Montana, and the State of Minnesota.

* * *

[32] The instructions which we received from the honorable Commissioner of Indian Affairs, of date July 27, 1886, who fully comprehended the condition of these Indians and the policy to be pursued toward them, were plain and unambiguous. We were told "that we were to visit the Upper and Middle bands of Spokane Indians, and negotiate with them for their removal to the Colville, Jocko, or Coeur d'Alene Reservations, with the consent of

the Indians of said reservations. They are scattered all over the country in the locations named, very many of them being in the neighborhood of Spokane Falls. Every proper inducement should be made to secure their settlement on one or the other of the reservations named. They claim to have been dispossessed of their land without compensation from any source."

* * *

[34] The Indians also agreed to remove to and settle upon the Coeur d'Alene Reservation in the territory of Idaho.

Article 2 provides that the Indians will be permitted to select their farms and homes on a tract of land to be laid off and surveyed, and the boundaries marked in a plain and substantial manner, under the direction of the Secretary of the Interior, on said Coeur d'Alene Reservation; and it further provides that said Indians will take lands under and according to the allotment bill, which became a law during the Forty-ninth Congress; the allotments so to be made as not to interfere with the Indians now on the Coeur d'Alene Reserve. It is agreed that these lands shall be the permanent homes of the Indians forever.

* * *

[35] COEUR D'ALENE

As soon as possible after concluding the agreement with the Upper and Middle lands of Spokanes, and settling the business incident to the council, we proceeded at once to the Coeur d'Alene Reservation in the Territory of Idaho.

We went from Spokanes Falls to Belmont, the terminus of the Spokane and Palouse Railroad, at which point we were met by parties with wagons who conveyed us to the town of Farmington, in Washington Territory.

On the next morning we proceeded to the Coeur d'Alene Reservation, 12 miles distant. The day was bright, and we had a fine opportunity of seeing the country, which is the finest in the West. We were informed whilst on our way that the chief, with an escort, would meet us and proceed with us to the De Smet Mission, where the council was to be [36] convened. The firing of a salute announced that the chief was near. We soon discovered the chief with about forty mounted men, armed with Winchester rifles, which they fired as the Commissioners approached. The chief dismounted, advanced in front, and welcomed the Commission to the reservation. The party then moved on, the soldiers marching on either side of the road. At the village the entire male population and many women and children had assembled. The chief, in a neat address, received the Commissioners, to which the chairman made reply, which was greeted with loud applause. The whole body of Indians then filed in front of the Commission, each one shaking hands with them and saying some kind of words.

The reservation is one of the best we have visited. The Indians have good productive farms, good houses, barns, gardens, horses, hogs, cattle, domestic fowls, wagons, agricultural implements of the latest pattern, and indeed everything usually found on flourishing farms. The Indians are industrious, thrifty, provident, and good traders. They wear their hair short, and dress in citizen's dress from head to foot. They are polite, good

natured, and ambitious to excel, and to do in all things as white men do, except to adopt their vices.

There may be a few exceptions, but so far as not to excite comment. Each one has a comfortable house on his farm, and nearly all have equally comfortable houses at the Mission, which together make quite a village. They remain on their farms during the week days, and on the Sabbath they repair to their dwellings at the village to attend religious services and see their children, who are at the Mission schools. Their land outside of the reservation, and much of it the best in that country, has been appropriated by the whites, and the Indians have never received a dollar.

They have been the friends of the white people in times of great trouble, and many owe their lives and property to the protection afforded them by these Indians against hostile tribes. As we were not to meet them in council, as they requested, until the next morning after our arrival, we were invited to visit their schools, which we did. Both school-houses are large, well constructed, and stylish in appearance. Inside they are neat, clean, and in every way suitable for schools. On entering the school room the boys arose and stood until we were seated. Paul Polatkin, a full-blood Indian boy of twelve years, stepped to the front and in a clear and distinct voice said:

> "Honored Sirs: It is with feelings of great pleasure that I, in the name of my fellow-classmates, extend to you a cordial welcome to our school. We first thought that we would not have the pleasure of seeing you here, as it was rumored that you would call the chiefs to

> Spokane Falls, and there transact whatever business you had with them. We are glad you decided otherwise. It will give you a chance to see how our people live and support themselves.
>
> "You will see at a glance that they 'earn their bread by the sweat of their brow,' as the land around here testifies. You will also see that here at school we are by no means idle, but try every day to add another grain of knowledge to our store. Hoping our exercises will please you, we welcome you to our school."

The exercises were of the most interesting and satisfactory character. The proficiency shown by these Indian children was as great as that of any school anywhere ever visited by the Commission.

At the close of the exercises Judge Wright thanked the boys for the cordial welcome they had given the Commissioners. He said he was delighted with their country. It was not only a beautiful country, but what was better, he saw that it was appreciated. He saw houses, farms, and other evidences of prosperity, which surprised him. His pleasure was greatly increased at seeing that Indian boys were the equals of the white boys in capacity to receive an education. He assured them that they had nothing to fear or to be ashamed of, and that if they continued in the path in which they were now walking they would reach a point where they would stand on equal ground with their white brethren, deserve and receive all the rights of American citizenship, and have opened to them all the avenues of fortune, fame, and happiness accorded the most favored people. In conclusion, he assured them that the Commissioners would do

all in their power to protect the rights, advance the interests, and promote the prosperity of the Coeur d'Alene.

The girls' school was then visited, and what has been said of the boys' school is equally applicable to this. On entering the school-room we were greeted with a song of welcome by the children and the music of the organ.

The voice of the Indian woman in singing is peculiarly beautiful and touching. There is a tone of gladness mingled with melancholy which is indescribable and can only be felt. This may be accounted for on the theory that traditional accounts of the sufferings of the race and the centuries of wrongs endured have made so deep an impression that even the dawn of a better and brighter day can not entirely obliterate. Every sensitive heart must have been touched to the core when they all sung together, "Will we [37] know each other there." When the singing ceased Mary Josette, aged twelve, a full-blood Coeur d'Alene, delivered this address:

> "Respected Sirs: Allow me in the name of my dear little companions to offer you our glad greeting and to bid you a fond welcome to our happy convent home to-day. True, we are but simple little children of the forest, yet our young, untutored hearts have learned to love and revere the kind friends of our parents and tribe, and we trust that you too have come animated by that same worthy zeal which has distinguished so many of your predecessors – the future welfare of the Indians.
>
> "Deeming that such is your motive, please accept our thanks for the deep interest you have manifested in our regard, and may God bless you and reward you an hundredfold for your

noble and generous deeds and grant you a pleasant and prosperous journey to your far-distant homes."

One by one the classes were called and exercises given in spelling, reading, writing, geography, history, and arithmetic. Notwithstanding the native modesty and timidity of Indian girls in the presence of white strangers, they stood the test beyond any anticipation. They were not only ready in answers, but it was apparent to all that they thoroughly understood what they were doing and saying. Some of them solved with apparent ease problems in arithmetic which would give trouble to many graduates of Eastern female schools.

At the conclusion of the address Judge Wright said that the Commissioners had visited the boys' school and were delighted with the progress there shown, but he believed that the girls, if possible, excelled the boys. He did not know whether to attribute this expression of opinion to the fact of his gallantry. He believed, however, that it was concealed that the girls advanced more rapidly at school than boys; certain he was that he had never seen a school in his own section of the country which for good order and proficiency in study excelled this one. Any American having a daughter at school showing such proficiency in study as you have shown might well feel proud of her. He said, I see that you are not all Indians; some of you are half, and a few the children of white parents. It is indeed a pleasing sight to witness the children of the white and red races mingling together in the same school – all marching in the same path, with the same hopes, the same aspirations, the same flag of red, white, and blue, the same country, and all striving to

reach the same blue heaven above. You should be thankful to the great Creator, the Father of us all, that he has sent to you in this wilderness the holy Fathers, Mothers, and Sisters to lead you in the paths of virtue and happiness.

Some of you missed a word or two in spelling. Do not allow that to discourage you, for there were some words given you to spell that would have puzzled either one of the Commissioners. And, besides, I think you knew how to spell them, and failed because of the natural timidity and modesty which is the glory of your sex. I had rather see a girl misspell an hundred words through modest embarrassment than see her spell a whole dictionary of words correctly, she lacking in that quality which so highly adorns woman and which renders her the object of our love and admiration.

In one of the selections read to us it is said "there are nights without a star and no days without a cloud." There have been times in the past when the Indian nights were without stars, and when the whole heavens above were dark with black and threatening clouds, but I feel glad to be able to say to you that it will be so no more. On this reservation the Indian problem will be solved at last. Here it is demonstrated that the Indians can work, and are willing to work and make a living for themselves, their wives, and their children, and that Indian children can stand side by side with the children of the Anglo-Saxons and compete with them in the race for knowledge and learning. The stars are beginning to appear in your heaven and the clouds are rolling by; even now the silver lining appears, and the glorious light of reason, science,

and religion will ere long include your race in its broad scope and shed its benign rays on your humble homes.

At the appointed hour the Indians met us on the following morning; nearly the whole male adult population were present. On the appearance of the Commissioners every Indian arose and stood uncovered until the Commissioners were seated.

Father Carnano was requested to open the deliberations with prayer.

The father stepped forward and every Indian dropped on his knees. A short and fervent prayer was offered, to which the Indians responded.

Judge Wright then addressed the Indians, fully informing them of the object of the visit. He gave them a vivid picture of the unhappy condition of their brethren the Spokanes, explaining to them the nature and terms of the agreement which the Spokane Indians had entered into to remove to the Coeur d'Alene Reservation. He also explained to them that their reservation was greatly desired by others, and how important it was that it should be occupied by Indians, and asked them to give their consent that the Spokanes and other scattered tribes should come on their reservation. He also spoke of the loss of their lands and its occupation by the white men; asked them [38] to speak out freely on all these and any other questions of interest which might suggest itself to their minds.

Dr. Daniels addressed them. He said he had been engaged in transacting business with the Indians for many years. He assured them of the good wishes of the

Government, and stated that the Commissioners would endeavor in an earnest way to advance their interests and make them prosperous and contented.

Chief Seltice arose and stated that what had been said made his heart glad; that he had waited anxiously for the coming of the Commissioners; that his people would listen attentively to any propositions which the Commissioners might be pleased to make and give them careful consideration; that his people would meet at night and talk together, and meet us again the next morning.

Judge Wright informed them that an agreement had been prepared, which would be read article by article, and fully interpreted and explained to them.

Before this was done Commissioner Andrews addressed the Indians in plain and earnest language, commending them for their industrious habits and friendly feeling toward the whites. He said he was surprised as well as delighted at the progress they were making, and predicted a bright and glorious future for them. At the conclusion of Commissioner Andrew's speech the Indians manifested their approval by their peculiar shout and clapping of hands. Chief Seltice in a few well-chosen words thanked, in the name of his people, the Commissioner for his words of encouragement and advice.

The agreement was then read to them by Commissioner Andrews, and each section carefully interpreted, to which the Indians gave marked evidence of approval.

Chief Seltice and his people manifested great concern about the future of their reservation. The clamor of the

whites for the opening of the reservation had reached their ears and made their hearts heavy. The fact that all their land since this reservation had been taken from them without even the pretense of the asking, and the rapid increase of white settlers around them were calculated to arouse their fears. They had no treaty relations with the Government and had no assurances of its fostering care. The visit of the Commission, and more especially when it was known that its visit was of the most friendly character, filled their hearts with gratitude and hope, which were manifested in their faces, their tone, and their expressions.

When assurances were given them that they would be protected by the Government in their homes and reservation their gratitude knew no bounds, and it is the sincere belief of the Commissioners that Chief Saltice and every able-bodied man of his tribe could be relied on in any emergency in the defense of the flag and the country with as much certainty as any community in the Union. This is strong language, but it is true. Whilst we cannot speak so confidently of the other tribes and bands visited by the Commissioners, we express the confident opinion that our visit and negotiations with other tribes have greatly strengthened their respect for and confidence in the Government.

On the next day the agreement was again read over and explained, when the chief who had been empowered to speak for the tribe announced that he and his people were ready to sign the agreement. Every man in the council followed, and over two-thirds of the male adults signed the agreement, and it was apparent that all would have done so had they been present.

The agreement was concluded at DeSmet Mission, March 26, 1887. By its terms, for a consideration, the Indians cede, grant, relinquish, and quitclaim to the United States all right, title, and claim which they now have or ever had to all lands except that included within the boundaries of the present Coeur d'Alene Reservation.

The lands which they claimed, and held by occupancy, contained about 4,000,000 acres. They had the same title to it which other Indians had, that is, the fee in the United States, and the occupancy, with all its incidental rights, in the Indian. The right of the Indians to their occupancy is as sacred as that of the United States to the fee.

They had been despoiled of this right without compensation from any source. Our instructions clearly contemplate a settlement of the claim based on the loss of these lands, and we were referred to Senate Ex. Doc. No. 122, Forty-ninth Congress, first session, which we examined with great care and attention.

On page 9 of this document will be found the petition of the Coeur d'Alene Indians, addressed to the President of the United States, setting forth their claim and the boundaries of the land in question. This country, as the petition alleges, "is one of the most valuable in Washington Territory, dotted by numerous and valuable wheat farms, valuable forests of timber, saw-mills, gold, silver, and lead mines, the military post at Coeur d'Alene, and numerous thriving towns and villages. The Northern Pacific Railroad runs directly through it, and much of the land owned by that corporation was the land of these Indians.

The history of the failure of Governor Isaac J. Stevens in 1855 to meet and negotiate with these Indians is well known to the country.

[39] At De Smit Mission we were furnished with the original agreement made and concluded on the 28th day of July, 1873, at Latah or Hangman Creek, in the Territory of Idaho, by and between John P. C. Shanks, John B. Monterth, and T. W. Bennett, special commissioners on the part of the Government of the United States, and the chiefs and headmen of the tribe of Coeur d'Alene Indians.

We had a copy of said agreement prepared and herewith submit the same as part of this report.

Reference is made to this paper and also to the fact that these Indians were recognized by the Government in 1855, as being entitled to consideration when Governor Stevens was constituted a commissioner to deal with certain northwestern tribes in order to show that their claim to compensation had been heretofore entertained. By reference to the copy of the agreement, it will be observed provision was made for a reservation for the Coeur d'Alenes out of a portion of these lands, and the tribe relinquished to the Government *all lands heretofore claimed by them lying and being outside of said described reservation*. The boundaries are then given in detail, and it will be found that they substantially agree with the boundaries given in the petition of the Indians.

As a consideration for the above cession it was agreed that they should be paid for improvements made on the lands lying in Washington Territory in case by survey of the line they were found to be in that Territory.

In addition, the Government agreed to furnish the Indians with 10 wagons, (2-horse), 10 sets of harness, 5 sets plow harness, 60 plows, 10 pair American mares, 10 whip-saws, 10 cross-cutsaws, 2 mowers, 2 mowers and reapers combined, 1 set blacksmith's tools, 2 one-horse rakes, 20 harrows, 10 grain cradles, to construct one saw and grist mill, to build a school-house with apartments for males and females, one boarding and lodging house, one smith's shop, and in addition to all this the United States agreed to fund in United States 4 per cent bonds the sum of $170,000, interest to be paid annually for the benefit of the Indians, with right on the part of the United States of paying the principal at any time after 20 days.

This agreement was formally signed by three commissioners and witnessed by R. B. Whitman and T. M. Cataldo, S. J., and by all the chiefs and headmen of the Coeur d'Alene tribe.

At the time we had no means of ascertaining whether this agreement was submitted to Congress for its ratification, as was provided for therein. It was of service, however, in aiding us to what amount of compensation should be given as consideration for the lost lands. The amount necessary to fulfill the stipulations of this unratified agreement is larger than that which your Commission agreed to give in this one.

The third article of our agreement gives the consent of the Coeur d'Alenes to the removal to their reservation of the Spokane Indians, in accordance with the terms provided in the agreement with the Spokanes and the fourth article, that the Calispels and any other non-reservation Indians may also be removed to that reservation.

The anxiety of the Indians about their reservation and their fears that it might in some way be taken away from them, their unexampled good conduct, their friendship for the neighboring whites, displayed on a late memorable occasion, their rapid advancement in self-support and civilization unaided by the Government, their willingness to allow their reservation to be filled up with Indians, the confidence they repose in the Government to settle their claim on its own terms, all conspired to cause us to put in the fifth clause, which provides that their reservation shall be held forever as Indian land as homes for the Coeur d'Alenes and such other Indians as may be removed thereto, and that no part of the reservation shall ever be sold or occupied, open to white settlement, or otherwise disposed of without the consent of the Indians.

It may be said that this was unnecessary, inasmuch as no such thing would happen; but the loss of their former possessions and other causes had so excited their fears that it was concluded, in order to allay suspicion, and in as strong a manner as possible, bind the Government to that good faith which the Indian prizes so highly and which he thinks has been violated so frequently.

Article 6 provides that the sum of $150,000 shall be expended under the direction of the Secretary of the Interior, as follows:

For the first year, $30,000; and for each succeeding year for fifteen years, $8,000.

These Indians had everything which they needed or wanted, or if not it was within their power to procure it,

except a saw and grist mill. It was agreed that the construction of this should be the first item of the expenditure, the cost of this to come out of the $30,000, together with the pay of the engineer and miller. For the probable cost of the mill we beg leave to refer to our report as to the Spokane Indians. The balance of the money provided for is to be expended in such useful and necessary articles as shall best promote the progress, civilization, comfort, improvement, and education of the Coeur d'Alenes.

Article 7 deserves some comment and explanation. When it was ascertained that these Indians really needed and desired nothing in the way of clothing, food, agricultural imple[40]ments, or school facilities it became a question with the Commission as to the method proper to be pursued in the payment of the amount in satisfaction of the claim. From information derived from the best and most reliable sources we learned that the police regulations were of the highest order, which results in excluding ardent spirits from the reservations; and that long experience in self-reliance and traffic with the neighboring whites had made them cautious, shrewd, and provident in the use of money. We learned that their trade in one town adjacent to the reservation amounted to about $25,000 yearly. We therefore conclude that justice requires us to recognized these qualities and facts and adapt our course to the advanced condition of the Indians. Hence it is provided in this article 7 that if it shall appear to the satisfaction of the Secretary of the Interior that in case the Indians need none of the money expended as provided in article 8, they being already provided with such things, and further, that they will judiciously use the money, the same may be paid to them in cash pro rata. It will cost the

Government no more to pay in cash than in supplies, and, besides, the trouble will be much diminished.

All money not expended in any one year, according to the provisions of the agreement, is to be kept for the use of the tribe, and that the wishes and needs of the Indians are to be consulted when purchases are made for them.

In the employment of engineers, millers, mechanics, and laborers of every kind preference is to be given to Indians qualified to perform the work, and all persons employed are required to teach the Indians these trades and vocations. We were assured that in a short time Indians on the reservation would be fully qualified to do all these things, and we considered this an important provision, tending to their rapid self-support.

It was further agreed that the United States would furnish a competent physician and medicines, a blacksmith, and a carpenter.

Article 12 makes provision as to marriages between Indian women and white men similar to that made by the commission with the Chippewas of Minnesota.

This provision and the one allowing certain white men, four in number, who have married Indian women and who are now residing on the reservation, was embodied in the agreement at the special instance and request of the tribe.

As to article 13, it is proper to state that this was also embodied at the earnest request of the entire tribe.

The fathers who went among these Indians at an early day found them a fierce, wild, and ignorant people

in their aboriginal state, and have, by patience, toil, and care brought them to their present advanced state of Christianity and civilization. A better ordered and better behaved Indian community can nowhere be found. They are active, industrious, thrifty, and self-supporting. Their respect for the law, their loyalty to the country, and devotion to religious principles and practices are greatly to be commended. All this they attribute to the work of the fathers, who have expended in building of churches, school-houses, and other buildings, opening and fencing farms, not less than $20,000. On these farms the Indians have learned the art and science of agriculture. Both schools, male and female, are filled with Indian children walking in the same path, not only receiving good educations but learning all the practical duties of life.

As has been stated before, the chief matters of concern which occupied their minds was the preservation of their homes and the perpetuation of their church and school facilities.

It appeared that they had years ago given their consent to the provision contained in this article, and wishing it embraced in a more lasting and durable form they requested the insertion of that part of the agreement.

With all the facts before the Commission, and being on the ground, we deemed it of the highest importance to the Indians and their posterity that this arrangement should be made. It will be seen that the title in fee is not touched, and that the right of use is all that is conceded, or in other words, to use the expressive language of the Indians, they simply "lend the land" in order to secure the education and civilization of their children.

After concluding our labors with the Coeur d'Alenes we returned to Spokane Falls in order to arrange for a visit to the Calispels or Lower Pend d'Oreilles.

* * *

[53] *Agreement with Coeur d'Alene.*

This agreement made pursuant to an item in the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes, "approved May 15, 1886, by John V. Wright, Jarred [54] W. Daniels, and Henry W. Andrews, duly appointed Commissioners on the part of the United States, and the Coeur d'Alene tribe of Indians, now residing on the Coeur d'Alene Reservation, in the Territory of Idaho, by their chiefs, head-men, and other male adults, whose names are hereunto subscribed, they being duly authorized to act in the premises, witnesseth:

ARTICLE 1.

Whereas said Coeur d'Alene Indians were formerly possessed of a large and valuable tract of land lying in the Territories of Washington, Idaho, and Montana, and whereas said Indians have never ceded the same to the United States, but the same, with the exception of the present Coeur d'Alene Reservation, is held by the United States and settlers and owners deriving title from the United States, and whereas said Indians have received no compensation for said land from the United States: Therefore,

ARTICLE 2.

For the consideration hereinafter stated the said Coeur d'Alene Indians hereby cede, grant, relinquish, and quitclaim to the United States all right, title, and claim which they now have, or ever had, to all lands in said Territories and elsewhere, except the portion of land within the boundaries of their present reservation in the Territory of Idaho, known as the Coeur d'Alene Reservation.

ARTICLE 3.

The said Coeur d'Alene Indians agree and consent that the Upper and Middle bands of Spokane Indians reside in and around Spokane Falls, in the Territory of Washington, may be removed to the Coeur d'Alene Reservation and settled thereon in permanent homes on the terms and conditions contained in an agreement made and entered into by and between John V. Wright, Jarred W. Daniels, and Henry W. Andrews, commissioners on the part of the United States and said Spokane Indians, concluded on the 15th day of March, 1887, at the Spokane Falls, in the Territory of Washington.

ARTICLE 4.

And it is further agreed that the tribe or band of Indians known as Calispels, now residing in the Calispels Valley, Washington Territory, and any other land of non-reservation Indians now belonging to the Colville Indian Agency, may be removed to the Coeur d'Alene Reservation by the United States, on such terms as may be

mutually agreed on by the United States and any such tribes or lands.

ARTICLE 5.

In consideration of the foregoing cession and agreements, it is agreed that the Coeur d'Alene Reservation shall be held forever as Indian land and as homes for the Coeur d'Alene Indians, now residing on said reservation, and the Spokane or other Indians who may be removed to said reservation under this agreement, and their posterity; and no part of said reservation shall ever be sold, occupied, open to white settlement, or otherwise disposed of without the consent of the Indians residing on said reservation.

ARTICLE 6.

And it is further agreed that the United States will expend for the benefit of said Coeur d'Alene Indians the sum of one hundred and fifty thousand dollars, to be expended under the direction of the Secretary of the Interior, as follows: For the first year, thirty thousand dollars, and for each succeeding year for fifteen years, eight thousand dollars. As soon as possible after the ratification of this agreement by Congress, there shall be erected on said reservation a saw and grist mill, to be operated by steam, and an engineer and miller employed, the expenses of building said mill and paying the engineer and miller to be paid out of the funds herein provided. The remaining portion of said thirty thousand dollars, if any, and the other annual payments shall be expended in the purchase of such useful and necessary

articles as shall best promote the progress, comfort, improvement, education, and civilization of said Coeur d'Alene Indians, parties hereto.

ARTICLE 7.

It is further agreed that if it shall appear to the satisfaction of the Secretary of the Interior that in any year in which payments are to be made as herein provided said [55] Coeur d'Alene Indians are supplied with such useful and necessary articles and do not need the same, and that they will judiciously use the money, then said payment shall be made to them in cash.

ARTICLE 8.

It is further agreed that any money which shall not be used in the purchase of such necessary articles or paid over, as provided in article 7, shall be placed in the Treasury of the United States to the credit of the said Coeur d'Alene Indians, parties hereto, and expended for their benefit, or paid over to them, as provided in the foregoing articles.

ARTICLE 9.

It is further agreed that in the purchase for distribution of said articles for the benefit of said Indians the wishes of said Indians shall be consulted as to what useful articles they may need, or whether they need any at all, and their wishes shall govern as far as is just and proper.

ARTICLE 10.

It is further agreed that in the employment of engineers, millers, mechanics, and laborers of every kind, preference shall be given in all cases to Indians, parties hereto, qualified to perform the work and labor, and it shall be the duty of all millers, engineers, and mechanics to teach all Indians placed under their charge their trades and vocations.

ARTICLE 11.

It is further agreed that in addition to the amount heretofore provided for the benefit of said Coeur d'Alene Indians the United States, at its own expense, will furnish and employ for the benefit of said Indians on said reservation a competent physician, medicines, a blacksmith, and carpenter.

ARTICLE 12.

In order to protect the morals and property of the Indians, parties hereto, no female of the Coeur d'Alene tribe shall be allowed to marry any white man unless, before said marriage is solemnized, said white man shall give such evidence of his character for morality and industry and shall satisfy the agent in charge, the minister in charge, and the chief of the tribe that he is a fit person to reside among the Indians; and it is further agreed that Stephen E. Liberty, Joseph Peavy, Patrick Nixon, and Julien Bontellier, white men who have married Indian women and with their families reside on the Coeur d'Alene Reservation, are permitted to remain

thereon, they being subject, however, to all laws, rules, and regulations of the Commissioner of Indian Affairs applicable to Indian reservations.

ARTICLE 13.

It is further agreed and understood that in consideration of the amount expended in buildings and other improvements on said Coeur d'Alene Reservation for religious and educational purposes by the De Smet Mission, and valuable services in the education and moral training of children on said reservation, and in consideration that the Indians, parties hereto, have donated for said purposes one section of land on which is situated the boys' school, one section on which is situated the girls' school, and one section of timbered land for the use of the schools, that said De Smet Mission and its successors may continue to hold and use said three sections of land and the buildings and improvements thereon so long as the same shall be used by said De Smet Mission and its successors for religious and educational purposes.

ARTICLE 14.

This agreement shall not be binding on either party until ratified by Congress.

In testimony whereof the said John V. Wright, Jarred W. Daniels, and Henry W. Andrews, on the part of the United States, and the chiefs, headmen, and other adult Indians, on the part of the Indians, parties hereto, have hereunto set their hands and affixed their seals.

[56] Done at De Smet Mission, on the Coeur d'Alene Reservation, in the Territory of Idaho, on this the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and eighty seven.

JOHN V. WRIGHT. [SEAL.]
JARRED W. DANIELS. [SEAL.]
HENRY W. ANDREWS. [SEAL.]

Signed with an x mark and seal:

Chief Andrew Lettice, Regis, Pierre Welsholque, Edward, Damas, Vincent, Paul Reni, Charles Louis, Elimo Spokane Wenceslas, Pierre Chiapa, Pierre Hartholomewie, Bernard Speqmilks, Louis Sguchau, Encas Chthei, Timothy Polotkanh, Alexis, Adrian Umas, Sebastian, Camille, Enens Nchiesu, Luke Nugani, Hilarous, Basil Kasitquizuit, Josuhua, Fidcle, Prosper Ntimilps, Alphonse, Paul Tchkanize, Pierre Joseph, Daniel, Enes Temulian, Louis Stanislaus-Harmahy, Etienno Niukols, Frisby Nisclmnkomistauegalim, Tibuce Silosket, Anthony Seme, Charles Augustus, Leo Achetops, Etienne Stakamski, Leo Kuimchilsile, Thomas Guissnage, Cornelius Quiquilel, Louis Schumukuimo, Adrian Milmilagan, Alexander Chilcheko, Adrian Schizikue, Pierre Joseph Schezi, Hemo Chimineme, Joseph Karlimkue, Louis Michael Weigolehin, Michel, Pierre Joseph Schaike, Benoit Schulilize, Louis Sebastian Kutilkuku, Adrian Kuzalchan, Joseph Nkonoqua, Isadore Npapskue, Charles Polatkin, Aenead Basil, Andrew Ologazu, Moses Mogzela, Pierre Paul Koipe, Beniot Schilzispo, Louis Mulkapsie, Daniel Quinemose, Les Nzakakalipengn, Aeneas Paul Mguiakan, Louis Lolo, Francois Nsispikua Nkaisis, Francois, Eugene, Felicien, Pierre Basil Lauwasket, Leo Templilime, Louis Minuse, Louis Lotone, Stanislaus,

Nichodemus Kruto, Louis Sepas, Paynse Willimseme, Louis Scisquoachau, Phillip Pokatchau, Joseph, Peter Paul, Stephen.

BENJAMIN S. MOORE,
Agent

Witnesses:

SYDNEY D. WATERS.
JOHN P. SWENEY.

I, Robert Felt, U. S. Indian Interpreter for the Colville Indian Agency, W. T., do hereby certify on honor that the foregoing agreement was carefully read and fully explained to the Indians in open council and by me correctly interpreted, and that the contents thereof was fully understood by said Indians before the signing and sealing of the same.

his
ROBERT + FELT.
mark

Witness:

A. C. KING.

Dated DE SMET MISSION, COEUR D'ALENE RESERVATION,
IDAHO TERR'Y, *March* 26, 1887.

* * *

[60] COUNCIL WITH COEUR D'ALENES.

WEDNESDAY, *March* 23, 1887.

The council met and opened with prayer by Reverend Father Carnano. Present, Commissioners Wright, Daniels, and Andrews, the chiefs and bands of the Coeur d'Alenes, and the Interpreter. Judge Wright said:

"My friends, we have traveled a great distance in order to meet you. We thank you most sincerely for the very kind reception you have given us, and for your words of friendly greeting. You are the descendants and representatives of a noble tribe of Indians. You have given up the pursuit of war and of the chase and are devoting all you energies to the arts of peace; you are striving manfully to take care of yourselves, your wives, and your children. We have visited your schools and have seen how well your children are being educated. All this we need not tell you. We are well pleased, and particularly when we know that you feel so deep an interest in these matters. It will inspire your friends to renewed efforts. It will strengthen those who are striving to advance you and place you firmly on the road to civilization and independence. Those who sent us here will be glad to hear all this. Your condition and the character of your reservation we had heard of before our coming, but it is better than had been told us. You are known to be a people who are rising in intelligence and in all the pursuits of peace; that you have been friendly toward your white neighbors, and that you have given them assistance in times of danger and trouble, is known and appreciated. It is also known that you claim to have once possessed a large body of land, that much of it has been settled by white people, that you had never ceded it away, and that you have received nothing for it. You have a good reservation which you wish to preserve for yourselves and your children. The Great Father desires that this shall be done. You have good farms, fences, and houses, agricultural implements and stock, and we learn that you are working men, that you cultivate your farms and make good crops. We come with kind words from the Great Father. We do not come to force you to do anything. We come to ask your consent. We bring no soldiers, but only words of kindness and praise. We will speak plainly so that you can understand us, and we wish you to agree to

nothing until you understand it, and not then unless your minds and hearts are willing.

"Your brethren, the Spokanes, for years have been living about the falls. The white people have gone there and settled all over their country. These Indians are very poor and unhappy. They have no lands and no homes. The Great Father has pity on them, and he wishes to place them on a better country. He wishes also that you will have pity for the Spokanes.

"In 1885 the Government sent Governor Stevens and some other Commissioners to visit and treat with the Indians in this part of the country, and, among others, he was instructed to visit the Spokanes and the Coeur d'Alenes. Governor Stevens made an honest endeavor to see them and you, and to buy your lands, but he was prevented from doing so by an Indian war which broke out about that time. I could explain to you why no other commission was sent. It is enough to say, that it was not because the Gov- [61] ernment cares nothing for the Spokanes or you, for it is true that the condition of the Spokanes has long been a matter of much concern. We have just left the Spokanes. We were with them in council for many days. They were slow to understand, but after a while we succeeded in making an agreement with them by which we hope to remedy their wrongs and bring them to a better condition. In order to do this we need the helping hand of you, the Coeur d'Alenes, and we come to ask that help from you. The President desires that they shall have houses, farms, agricultural implements, and help in other ways as a recompense for their lost country. He wishes that they all may be removed to this reservation by your consent. It is believed that by bringing them

here and locating them on farms on this reservation they will soon be in the good condition we find you. If they stay where they are it is feared that they will be ruined. Some of the whites among them are friendly to them, but some give them whisky and cards, and they are leading a bad life, and have much trouble in getting along. We think that it will not only be an act of kindness on your part to allow these poor people to come and live with you, but we also believe it will be the best for you. It is known to you that the whites much desire to get your reservation, or some of it. The whites are increasing in numbers rapidly and they are clamorous for more land. It is not right that large bodies of good land should lie idle and uncultivated. It must be worked either by white people or by Indians. If your reservation was full of Indians the whites would not want it, or ask for it. Already we have been asked to open this reservation to white settlement. Long petitions came to us while we were at Spokane Falls asking that this be done. We told them no, we have no power to do that; we came to put other Indians there who have no homes. Now you can see that we come as your friends, and we wish you to think of these things and speak freely to us. We wish to take as little of your time as possible, as you know you are farmers, and that you are needed at home. The time we will leave to your judgment. We wish also to hear from you on the subject of you lands about which you wrote to the President in your petition. We wish also to hear from you as to your wants and necessities. We wish every question fully discussed and well understood. We see you are sensible men and disposed to do right, and we think

you will have but little trouble in coming to a just conclusion.

"This business is not entirely new to us. We have visited many Indians in other places and have made agreements with them. Each of us has had experience. My friend Major Andrews, has been in the Indian office, and Dr. Daniel has been much among Indians. We are all pleased at what we have seen among you. We have seen that Indian children can learn what white children can, and that you are as good farmers as white men under the same circumstances. We are anxious to do that which is right for you. We wish to see you have justice and to improve your condition. As for myself, I can say with truth that my anxiety to succeed in our efforts to improve the condition of the Indians is greater than I ever felt in any public employment of my life."

Dr. DANIELS. My friends, the judge has said nearly all I can say. I have been a long time among the Indians. At the same time, when Governor Stevens came to this country the judge was a member of the Great Council at Washington, and I was appointed to go among the Indians. When first I went among the Indians they had as food the wild meat of the buffalo; now I see you on good farms and in your happy homes. I have seen a great many Indians, but I did not expect to see them ahead of the whites as I see them here.

You have the finest schools, the best community that I have seen among Indians, and we are well pleased. We can talk to you as we can to the whites and do business with you as with them. We are all very glad to see you."

Chief SELTICE. All right, I will assure you; you have come from afar, and our hearts are all glad to-day. We have wanted to see you; we have not doubted our Great Father, but always believed that, though he was a great ways off beyond the mountains, yet he would see us and remember us, his children; my heart is big to-day, and my people are pleased at your coming, and I am glad also. Tell us what you desire us to do, and we will do it gladly, willingly. We will try to do what is right; we are as children; yet the Great Father has us under his protection, and you promise to help us. We want your advice; we want your counsel and help. For this we thank you. I have little to say to-day and do not wish to make any mistakes. We wish to consider. You have spoken to us about the Spokanes. We are very sorry for them, and we will do all in our power to better their condition. We have heard that many of them wish to come on this reservation; our people will be well pleased if they will all come. I learn that they have two ideas; they are not as one, but I believe we can make them as one, so that they will all come here; we will try to gain their affections; we believe that they will be as one among us. You say you are well pleased at what we have done in the past; we are glad. We try to do that which will please our Great Father. You have seen our schools and you speak words of kindness and encouragement. We wish these schools to remain always with us. What we have promised the fathers and sisters before, we wish confirmed. [62] These fathers have labored faithfully among us in teaching our children; we wish what we have promised them confirmed by the Great Council, so that we will feel secure in our schools.

We think you can help us in that which we ask for; you can do what we want. We will talk more of this.

Judge WRIGHT. Do you wish to talk to us about your lands mentioned in your petition of two years ago?

SELTICE. We wish you to talk first and then we will answer you.

Judge WRIGHT. The paper which I hold in my hand [Senate document] sets out fully your claim; in that petition you say your boundary was as follows: commencing at Steptoo Butte, runs northwest to Antoine Plants on the Spokane River, thence to the Pend d'Oreille Lake, thence to the summit of the Coeur d'Alene Mountain, thence south to the most southern thereof whence flow the waters of the Palouse River, thence west along the southern rim of the water-shed of the Palouse River to the beginning.

We wish to do right about the claim; that was one purpose for which we were sent to you. On yesterday I omitted to say anything about your promise to the fathers concerning the schools. We will consider this and do all we can to satisfy your desire. You do well in appreciating your schools. If the advantages which your children enjoy had been given you it is plain that it would have aided you very much. When your children grow up to be men and women the advantages derived from those schools will be seen and felt. It will enable them to compete with the white people in the affairs of life. We will consider what is best to be done.

SELTICE. We are pleased at what you say; we know it to be good. Our chiefs have not talked together, but what

we said in our petition two years ago we wish fixed; we wish that which we promised carried into effect with the fathers and sisters, for with us they will be always. This is the great desire of our hearts.

VINCENT (Old Chief). A long time ago I was not such as you see me now; I am old. I am glad of what you are doing. It is good. I think there are two things. One is from the father and one is from you. These two things we have gained. The fathers tell us we have souls, and that we can go to heaven. This is one thing. I am talking to you only now, but many have my heart. The Spirit has care of my soul, and you of my body. I know that through you our country is saved, and from you we have found things to eat, because you have taught us how to get our food. The Coeur d'Alenes are getting along well, and you have brought us to this; you have saved our land where we are, and this we owe to the Government.

SELTICE. The land outside this reservation has been taken up by the whites, and we had forgotten it until two years ago, when we remembered it; and then we sent our petition to the Government at Washington setting forth our desires. You Gentlemen will tell us what to do, and now we will listen to any proposition you may have to make.

Judge WRIGHT. Is the land you are now living on a part of the country you speak of in your petition?

SELTICE. Yes, certainly. This is the middle of it. That which was taken lies outside all around this.

Judge WRIGHT. In your petition you say you need a saw and grist mill; mechanics to teach you trades; cattle and sheep.

SELTICE. It was a saw-mill and flour-mill.

Judge WRIGHT. Do you people need wagons?

SELTICE [after consulting with chiefs]. No; we do not need these, because we have them.

Judge WRIGHT. We believe you to be reasonable men, and we think we can pull together with you like two well-broken horses. To-morrow we will meet again. What you say is plain and frank, and it gives us pleasure. The kind manner in which you speak of the Spokane Indians, and your consent to their coming and living with you, does you honor. They can be saved by bringing them here. They will be ruined if they remain where they are. The Great Father will be pleased when he hears your kind words. It will make him feel kindly towards you.

THURSDAY, *March* 25.

Commissioner ANDREWS. Perhaps it may be well for me to say a few words to you this morning before proceeding to the business which has called us together, in order that you may be permitted to judge of the feelings which control me as well as the feelings of my two associates who addressed you on yesterday.

I, too, am the friend of the Indian, and as such friend have been sent by the honorable Secretary of the Interior, the honorable Commissioner of Indian Affairs, and by the

Great Council of the United States from the seat of Government at Washington, 3,000 miles away, to this beautiful spot, the Coeur d'Alene Reserve, in the Territory of Idaho, to visit you and assist in righting the wrongs which you and your friends say have been inflicted [63] upon you. And now, right here, I want you to understand that we were not sent on account of our great ability to deal with Indians, but because we have proved to the Great Father upon more than one occasion that we are the friends of the red man, and that we hold his rights as sacred as that of any white, black, or red man on earth. We have been commissioned to treat with you upon high and holy grounds; to give you all the rights ever accorded to any people by the wisest government on earth. We were told by the Great Father of your advancement in civilization, but little did we expect to see what we now see. Little did we expect to find you occupying the finest lands of the great West – well watered, well timbered, surrounded by all things to make life happy, with the best schools we have ever seen anywhere, with children that can teach more than half of the Government clerks in Washington how to read and write. And last, though not least, little did we expect to find such good men of God as your best earthly friends. The good fathers here are constantly looking after your welfare here and preparing your souls for the world to come. When we report all these things to the Great Father in Washington it will make his heart glad, and he will exclaim: "Long life to the Coeur d'Alenes of Idaho." I shall tell him that the brand of strong drink does not disfigure the face of a single Coeur d'Alene; that not an eye is dimmed by its damnable sting; that there is not an inch of the Coeur d'Alene

Reserve poor enough for a whisky-seller to place his unholy foot. And, lastly, I will tell him that my prayer to Almighty God was, and said aloud in your hearing, that not one drop of strong drink should ever enter the throat of a Coeur d'Alene Indian. Take this from a friend, and with such a promise faithfully kept, with such a climate and such lands as you own, with such teachers as the good fathers and sisters of DeSmet Mission, with such a friend as the great Government of the United States to protect and defend you, and, lastly, with such a noble specimen of a true and brave American as Seltice as your chief, you will be the happiest people on earth.

SELTICE. I will assure you now I am glad that you have given us such good advice. I am sorry that the white men have bad habits. We are well pleased with all you have said. You talk to us of goodness and I am glad to hear those words coming from your lips to-day. We will cherish your words in our hearts and remember them always. My heart is well pleased with all you have said.

Judge WRIGHT. Do any of you wish to speak? If so, we will hear you now.

DAMAS (chief). I am going to say a few words only. The chiefs will speak for us; we leave everything to them and whatever they say or do will all be right, as we are all of one heart and mind.

Judge WRIGHT. My friends, since our adjournment on yesterday we have given all the questions which have been discussed our careful attention. We have prepared a paper to be submitted to your council. It will all be carefully read over to you, and interpreted so that all will understand its contents. It may be that some changes will

be made. When everything is fully understood by you and an agreement reached, we will have the paper written in ink ready for signing. If in reading over the agreement there is anything you do not fully understand, or any part you wish changed or left out, you can say so.

Commissioner Andrews then read the agreement and it was carefully interpreted. After the reading of the agreement Judge Wright said: If you agree to what is here written it will be submitted to the Great Council and the Great Father for approval. If when they examine it they are pleased with it and think it good for you and good for the Government they will approve it and it will become a law. Should they disapprove it will be as a blank paper. Our duties, then, you see, are of a delicate nature. If we please you we may not please the Government. We must satisfy both or our work amounts to nothing. If the agreement meets your approval and is ratified by Congress it will undoubtedly place you in a condition in which you can be self supporting with your present advanced position. You will soon need nothing from the Government but the protection which it gives to all its citizens alike. You will have no use for Government farmers, smiths, doctors, or agents; you can get things without aid.

Seltice (chief). I will assure you now. It may take me two hours, as you have spoken much. I am glad you have taken the time, for it has not been lost. We have listened very carefully and have understood everything that you have said, and it was good. You have put new life into our veins and made us feel that the Great Father and yourselves are the true friends of our race. We know that we are Indians, yet the same Great Father cares for us all. You have spoken to us of the Spokane Indians and of

your great desire to help them. We also desire to see them happy people and that they come on this reservation. Just as the whites have poor relations, so have the Indians too – one on our father's and two on our mother's side, and thus am I related on my ancestors to many tribes in this country, and to them I extend the privilege of settling on our land; and I also ask the privilege of having good half-breeds come also. There is one thing which the whites do which we do not – they marry our women, but we never marry white women.

[64] I have considered everything you have said to us; I have considered well, and we are willing to have all these Indians come, but they must leave their whisky and their cards behind them. They must not bring whisky and cards here. This is for their good and the good of my own people. I do not want any bad people to come here and set my people an evil example. Everything you have said to us is good. One thing you have spoken to us about is our land, which the whites have taken away from us and which they now occupy. It is lost to us; it is dead to my people. We had almost forgotten it, but it has come back to our minds and we now speak of it. You say we may receive for our lost land $150,000 – for our land outside the reservation. Do you know how much there is of it? There are more than 4,000,000 of acres. This land was very dear to us, but we have given it up to the whites. We are on only a small part of our country – I mean this reservation. Here we have made our homes; here we have built our houses; here are our fences, our farms, our school-houses, our churches. Here are our wives and our children; here are the graves of our ancestors; here are

our hearts; here we have lived, and here we wish to die and be buried. We want these preserved forever.

We understand that the paper which we signed is to go to Washington to be seen by the President and the Great Council. I know your hearts with regard to it, and they are good. However you fix it, it will be right; but I plead with you, I implore you, I call on the Great Father, who will hear me, preserve for us and our children forever this reservation, where are our schools, our churches, our homes, our graves, our hearts. The Government has now thought of our claims for our lost land, and they have sent you to us. Of this we are glad, but neither money nor land outside do we value compared with this reservation. Make the paper strong; make it so strong that we and all Indians living on it shall have it forever. We also wish you to make our schools and our churches so strong that they will be here forever for our children, when we have passed away from the world and gone to the Great Father above. What has been said by you is all good, and we thank you for it. You have now seen our hearts; they are laid open and made bare before you.

Judge WRIGHT. You have done yourself great honor by your words; we honor and thank you for the words you have spoken. You have shown yourself worthy to be the leader of your people. They ought to feel proud of you. If they will but follow where you lead they will have but little to fear.

We have endeavored to carry out your desires. The Government will protect you and your lands. It will do so if it takes its whole power. It will also protect and encourage your schools.

If none of you desire to say anything more, we will prepare an agreement in writing for your signatures; we wish you all to be present; we will not delay you long.

SELTICE. We will be glad to see you again in the morning. You have the hearts of all my people. We will leave everything to Washington. Fix your hearts good for us also.

FRIDAY, *March* 26, 1887 – 9.30 a.m.

Judge WRIGHT. On yesterday we read to you the terms of the proposed agreement. We have carefully considered all the subjects which were then discussed, and have prepared it in proper form for your signatures, with some few changes which were suggested on yesterday. It is now complete. [Here the agreement was read over, interpreted, and explained.]

Do you now understand all the promises?

SELTICE. Yes; we understand everything you have said.

Judge WRIGHT. When we leave here we will next visit the Calespels, or Lower Pend d'Oreilles, and before visiting them we though it best to obtain your consent that they might be removed to this reservation. If they conclude to come here this will save the trouble and expense of another visit to you.

SELTICE. How about our agent? Is he to be paid out of the fund provided by the agreement?

Judge WRIGHT. No; the agent will be paid by the Government.

SELTICE. All right. We shall not need the sawyer or miller more than a year. By that time we will be able to do the work ourselves. Our people will soon learn to run the mill.

LOUIS GASTAZTAIN. We are all glad you have come to see us. Since you came I-have looked into what you have been saying. You have spoken to us of our country. When they ran the survey of our reservation we thought the land was all lost to us. This has been troubling our minds and the minds at Washington ever since. I did not want to take any money; but we are now all of one mind, and we will take it because it will help us. It is not much for the land which has been taken away from us. We are very poor. We are very near the time when we are to sign the paper. We will take good care of the money. When we first came on this reservation we were poor, and now you see us with homes, our farms all fenced, and cattle grazing on our hills. The fathers have [65] taught us to do this – to farm and save our money and educate our children. I myself can not read or write; but we are very thankful to the Government for our schools. Some of our people are old, and they would like to have their money paid to them before they die, so they can have some benefit from it. You have seen my heart.

ELIJAH (a Spokane Indian, the only one present wearing a blanket). Is Lots' reservation as good as this?

Major WATERS. No; no part of it can compare with it.

ELIJAH. Then I am coming here, and I will tell all my people to come and take up this land; the Coeur d'Alenes are our friends.

Judge WRIGHT. We will sign the paper first and then you can sign. [Here the agreement was signed by the Commissioners and all the Indians. When Nicodemus came up to sign Judge Wright said to him:] I am informed that you were the first Indian on this reservation who took a farm and put a plow in the earth, and I learn that you have done well, and that you are now comfortably situated. Major Waters tells us that you have always set a good example to the Indians, and that hundreds have followed your advice and example. For this you deserve well, and you should be remembered and encouraged.

NICODEMUS. As soon as I began to plow I began to see food and money. I thank you for your words.

Judge WRIGHT. I believe all have signed. A large majority of the tribe have signed the agreement, and those who are not here would sign if they were present. When you tell the absent ones what you have done they will be well pleased. You have behaved well. You have shown your confidence in the Great Father and it will give us pleasure to say that you deserve well of the Government. Your consent that the other Indians not so well off may come on your reservation speaks well for your hearts. Your matters are in good condition. You are on the right road. Be at peace with one another and your neighbors. In all your transactions as a tribe remain reunited. This will give you strength. Advise the Spokanes to come. When they come treat them kindly. If they have faults, pity them and lead them in the right way. Treat them as the Great Father above treats us in mercy. Call them from their evil ways and make them as you are.

ADRIAN UMAH. I am glad you have talked to us from the law. You have made our homes secure. When we are sick the priests hold us in their hands and bring us to heaven. You have told us the truth.

SELTICE. You are now going to leave us and go back to Washington. When you go away do not forget us. Our brains are big and we have put away your words in a safe place. We shall remember them always. We shall not forget you nor your words. We are only Indians. We are not so high in knowledge as you are, but your words of advice made us even with you. Your coming has done us all good. We looked for your coming for many days. Sometimes we feared you would forget us and pass us by. Major Waters did not deceive us; he told us to be patient and you would come. We ask you to take back to the Great Father our humble expressions of peace and good will. The Coeur d'Alenes will ever be his friends. You have lifted a heavy load from our hearts. We take courage and a new start. Our land, our homes, our schools are to be ours forever. All this we feel is from your coming. In the name of my chiefs and my people I thank you.

* * *

EXHIBIT 214

50th CONGRESS. *1st Session.* SENATE. MIS. DOC. No. 36.

IN THE SENATE OF THE UNITED STATES.

JANUARY 23, 1888. – Ordered to be printed.

Mr. MITCHELL submitted the following

RESOLUTION:

Whereas it is alleged that the present area of the Coeur D'Alene Indian Reservation, in the Territory of Idaho, embraces 480,000 acres of land: that there are, according to the statistics in the Indian Bureau, only about 476 Indians in the tribe now occupying such reservation, or more than 1,000 acres to each man, woman, and child; that Lake Coeur D'Alene, all the navigable waters of Coeur D'Alene River, and about 20 miles of the navigable part of Saint Joseph River, and part of Saint Mary's, a navigable tributary of the Saint Joseph, are embraced within this reservation, except a shore-line of about 3½ miles at the north end of the lake, it being alleged that this lake and its rivers tributary constitute the most important highways of commerce in the Territory of Idaho, and are in fact the only navigable waters, except Snake River, now used for steam-boat navigation in the Territory; that all boats now entering such waters are subject to the laws governing the Indian country and all persons going on such lake or waters within the reservation lines are trespassers; and

Whereas it is further alleged that the Indians now on such reservation are located in the extreme southwest corner of the same around De Smedt Mission, near the town of Farmington, in Washington Territory, where the land is good for agriculture; and it being further alleged that all that part of such reservation lying between Lake Coeur D'Alene and Coeur D'Alene River and that part between the Coeur D'Alene River and Saint Joseph River is a territory rich in the precious metals and at the same time being of no real use or benefit to the Indians: Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby directed to inform the Senate as to the extent of the present area and boundaries of the Coeur d'Alene Indian Reservation in the Territory of Idaho; whether such area includes any portion, and if so, about how much of the navigable waters of Lake Coeur d'Alene, and of Coeur D'Alene and St. Joseph Rivers; about what proportion of said reservation is agricultural, grazing, and mineral land respectively; also the number of Indians occupying such reservation; also on what portion of such reservation the Indians now thereon are located; also whether, in the opinion of the Secretary, it is advisable to throw any portion of such reservation open to occupation and settlement under the mineral laws of the United States, and, if so, precisely what portion; and also whether it is advisable to release any of the navigable waters aforesaid from the limits of such reservation.

EXHIBIT 213

50th Congress, 1st Session. SENATE. Ex. Doc. No. 76.

LETTER
FROM
THE SECRETARY OF THE INTERIOR,
TRANSMITTING,

In response to Senate resolution of January 25, 1888, information about the Coeur d'Alene Indian Reservation, in Idaho.

FEBRUARY 13, 1888 – Ordered to be printed, and referred to the Committee on Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Washington, February 9, 1888.

SIR: I have the honor to acknowledge the receipt by the Department, on the 26th day of January last, of a resolution of the Senate, adopted upon the 25th of January, 1888, which, omitting the preamble thereto, is in the following words:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate as to the extent of the present area and boundaries of the Coeur d'Alene Indian Reservation in the Territory of Idaho; whether such area includes any portion, and if so about how much, of the navigable waters of Lake Coeur d'Alene and of Coeur d'Alene and St. Joseph Rivers; about what proportion of said reservation is agricultural, grazing, and mineral lands, respectively; also the number of Indians

occupying such reservation; also on what portion of said reservation the Indians now thereon are located; also whether, in the opinion of the Secretary, it is advisable to throw any portion of such reservation open to occupation and settlement under the mineral laws of the United States, and, if so, precisely what portion; and also whether it is advisable to release any of the navigable waters aforesaid from the limits of such reservation.

In response thereto I transmit herewith a communication, under date of the 7th instant, from the Commissioner of Indian Affairs, to whom the resolution was referred to report the facts required to properly meet the inquiries therein contained. This report states that the Coeur d'Alene Reservation, in the Territory of Idaho, embraces an area of 598,500 acres – 935 square miles; that it is situated in the northern portion of the Territory, between the 47th and 48th parallels of north latitude, and presents as an exhibit a map showing the outline boundaries of the reservation. It describes the portions of the navigable waters of Lake Coeur d'Alene and of the Coeur d'Alene River which traverses the reservation, and states the absence of information necessary to show how much of the St. Joseph River, which flows through the reservation, is navigable, or whether it is navigable at all.

The Commissioner also reports that as but a small portion of the reservation has been surveyed (less than three townships), he is unable to furnish more than a rough estimate of a character of the lands embraced therein, which is that at least one third of its entire area is agricultural, one-third mountain and timber, and the remainder hilly and probably suitable for pasturage; that east of the lake and north of the Coeur d'Alene River the lands are described as "all mountains," and along the

north line of the reservation, also east of the lake, are lands described as mineral lands. He also reports the number of Indians upon the reservation, as per last census, to be 487, nearly all of whom he believes live on that portion of the reservation lying south of the Lake Coeur d'Alene and St. Joseph River, and not far away from the Old Mission on Hangman's Creek.

The Commissioner further states that, in his opinion, the reservation might be materially diminished without detriment to the Indians, and that changes could be made in the boundaries for the release of some or all of the navigable waters therefrom which would be of very great benefit to the public; but this should be done, if done at all, with the full and free consent of the Indians, and they should, of course, receive proper compensation for any lands so taken.

In connection with this matter the Commissioner refers to the negotiations lately authorized by Congress and concluded with these Indians for the cession of their lands outside the limits of the present Coeur d'Alene Reservation, as shown by agreement published in House Ex. Doc. No. 63, Fiftieth congress, first session, pp. 53-56, under the provisions of which arrangement has been made for the removal to an settlement upon said reservation of sundry non-reservation Indians; and he reports as his opinion that when the present agreement shall have been ratified it will be an easy matter to negotiate with the Coeur d'Alenes for the cession of such portions of their reservation as they do not need, including all or a portion of the navigable waters, upon fair and very reasonable terms.

I have the honor to be, very respectfully,

H. L. Muldrow,
Acting Secretary.

The President Pro Tempore of the Senate.

Department of the Interior,
Office of Indian Affairs,
Washington, February 7, 1888.

SIR: I have the honor to acknowledge the receipt, by your reference the 26th ultimo for report, of a resolution of the Senate of the United States of January 25, 1888, as follows:

Whereas it is alleged that the present area of the Coeur d'Alene Indian Reservation, in the Territory of Idaho, embraces 480,000 acres of land; that there are, according to the statistics in the Indian Bureau, only about 476 Indians in the tribe now occupying such reservation, or more than 1,000 acres to each man, woman, and child; that Lake Coeur d'Alene, all the navigable waters of Coeur d'Alene River, and about 20 miles of the navigable part of St. Joseph River, and part of St. Mary's, a navigable tributary of the St. Joseph, are embraced within this reservation, except a shore-line of about 3½ miles at the north end of the lake, it being alleged that this lake and its rivers tributary constitute the most important highways of commerce in the Territory of Idaho, and are in fact the only navigable waters except Snake River, now used for steam-boat navigation, in the Territory; that all boats now entering such waters are subject to the laws governing the Indian country, and all persons going on such lake or waters within the reservation lines are trespassers; and

Whereas it is further alleged that the Indians now on such reservation are located in the extreme southwest corner of the same, around De Smedt Mission, near the town of Farmington, in Washington Territory, where the land is good for agriculture; and it being further alleged that all that part of such reservation lying between Lake Coeur d'Alene and Coeur d'Alene River and that part between the Coeur d'Alene River and St. Joseph River is a territory rich in the precious metals and at the same time being of no real use or benefit to the Indians:

Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate as to the extent of the present area and boundaries of the Coeur d'Alene Indian Reservation in the Territory of Idaho; whether such area includes any portion, and, if so, about how much of the navigable waters of Lake Coeur d'Alene, and of Coeur d'Alene and St. Joseph Rivers; about what proportion of said reservation is agricultural, grazing, and mineral land, respectively; also the number of Indians occupying said reservation; also on what portion of such reservation the Indians now thereon are located; also whether, in the opinion of the Secretary, it is advisable to throw any portion of such reservation open to occupation and settlement under the mineral laws of the United States, and, if so, precisely what portion; and also whether it is advisable to release any of the navigable waters aforesaid from the limit of such reservation.

Agreeably with the directions contained in said resolution I have the honor to state:

(1) The Coeur d'Alene Reservation, in the Territory of Idaho, embraces an area of 598,500 acres, or 935 square miles.

It lies in the northern portion of said Territory, between the forty-seventh and forty-eighth parallels of north latitude, and has for its western boundary the dividing line between Idaho and Washington Territories.

It is somewhat in the shape of a scalene triangle with one of its points cut off, its longest side (east boundary line) being about 42 miles, and its shortest (north boundary line) about 35 miles long. The west line is about 39 miles long.

From the official map of Idaho (1883) and sundry others examined, the reservation appears to embrace all the navigable waters of Lake Coeur d'Alene, except a very small fragment cut off by the north boundary of the reservation which runs "in a direct line" from the Coeur d'Alene Mission to the head of Spokane River.

This lake is about 35 miles long and from 2 to 5 miles wide.

The Coeur d'Alene River traverses the reservation for a distance of about 25 miles, entering the reservation from the east and emptying into Lake Coeur d'Alene.

The St. Joseph River also flows through the reservation, entering from the east and finding its outlet in said lake.

The Coeur d'Alene River is navigable in its entire course through the reservation, and streamers ply from the head of the lake to the mouth of the river, and thence up the river to the Old Mission on the east line of the reservation, a river passage of about 25 miles. How much farther the river is navigable toward its source and

beyond the limits of the reservation I have no means of knowing.

I am unable to furnish any information as to how much of the St. Joseph River is navigable, or whether indeed it is navigable at all. From the maps it would appear to be quite as large as the Coeur d'Alene River.

As to what proportion of the reservation is agricultural, grazing and mineral land, respectively, I have to state that as but a very small portion (less than three townships) of the reservation has been surveyed, I am unable to furnish any thing more than a rough estimate of the areas of the several classes referred to. From a rude sketch of the reservation prepared by the farmer in charge, with a view to showing as nearly as possible the character of the lands embraced within the reservation, I should judge that at least one-third of the entire area of the reservation is agricultural, one-third mountain and timber, and the remainder hilly and probably suitable for pasturage.

I inclose a copy of the map or sketch, and invite especial attention to it as giving the most satisfactory information obtainable from the records of this office. It is drawn upon a scale of 2 miles to the inch.

It will be observed that the lands in the extreme northern portion of the reserve, west of the lake, for a distance of 10 or 12 miles south, are described as "timbered lands on mountains, with small valleys of pasture lands." From thence south to the hills south of the Farmington Landing road they are set down either as first or second class "agricultural lands," and so of all the lands lying directly south of the lake until the "hill-land" is

reached. Then south of the hilly lands, extending along the entire course of Hangman's Creek, is a wide strip described as "agricultural lands, first class."

East of the lake and north of the Coeur d'Alene River the lands are described as "all mountains," and along the north line of the reservation, also east of the lake, are lands described as "mineral lands."

A strip one-half mile wide on both sides of the Coeur d'Alene River along its entire length is described as "fertile valley, overflowed every spring."

South of the Farmington road and along the entire east line of the reservation is a broad strip varying from 2 to 8 miles wide, described as "all hill-land; is timbered, and soil third rate, in places rocky."

The west side of Coeur d'Alene Lake appears to be skirted all along with timbered mountains or hills.

A map accompanying the report of an inspection made in 1886 by Lieut. Col. H.M. Lazelle, Twenty-third Infantry, acting inspector-general, Department of the Columbia, with reference to the sale of liquor upon the steamer *Coeur d'Alene* within the navigable waters of the reservation, will be found valuable, as showing the location of the neighboring towns and mines with reference to the reservation, the steam-boat route through Lake Coeur d'Alene, and the Coeur d'Alene River, the wagon roads and trails entering and crossing the reservation, mountain ranges, railroads, etc., and I have thought best to have a copy of said map made to accompany this report.

It might be proper to state here that Inspector Gardner, who visited the Coeur d'Alene Reservation in September of last year, places a much smaller estimate upon the quantity of agricultural land within the reservation than the farmer's map would indicate, but he could hardly be expected to have as perfect a knowledge of the reservation as the resident farmer in charge.

Inspector Gardner says:

The land embraced in the Coeur d'Alene Reserve, 598,500 acres, is in Idaho Territory. It is rough and very mountainous, and not more than 50,000 or 60,000 acres susceptible of profitable cultivation. * * * A large portion of the reservation is heavily timbered.

The number of Indians occupying the reservation as per last census, taken June 30, 1887, is 487. I believe all, or nearly all, live on that portion of the reservation lying south of the Lake Coeur d'Alene and St. Joseph River, and nor far from the Old Mission on Hangman's Creek.

The question which remains to be answered is, whether it is advisable to throw any portion of the said reservation open to occupation and settlement under the mineral laws of the United States and, if so, precisely what portion, and whether it is desirable to release any of the navigable waters mentioned in the resolution from the limits of said reservation.

In approaching this question, I deem it proper to refer briefly to the character and condition of the Indians occupying the reservation and the situation of affairs as existing amongst them.

There are few Indians in the entire country, if we except the five civilized tribes, who are as far advanced,

and even they need not be excepted in any comparison either of their virtues, habits of industry, loyalty, or ambition to attain a higher stage of civilization.

They cultivate the soil extensively, live in comfortable houses, dress like the whites, wear short hair, and in all other respects live and do as white people do. Their houses are painted inside and outside, their barns are well built and commodious, and they have all the improved farm implements and machinery. They own large bands of cattle and horses and an abundance of hogs and poultry.

The Northwest Indian Commission, in the report of its recent visit to these Indians, said:

Each one has a comfortable house on his farm, and nearly all have equally comfortable houses at the mission, which together make quite a village. They remain on their farms during the week days, and on the Sabbath repair to their dwellings at the village to attend religious services and see their children who are at the Mission schools.

* * * Long experience in self-reliance and traffic with the neighboring whites has made them cautious, shrewd, and provident in the use of money. We learned that their trade in one town adjacent to the reservation amounts to about $25,000 yearly. * * * A better ordered and better behaved Indian community can nowhere be found.

Furthermore, the Coeur d'Alene Indians have been for many years the firm friends of the whites. A notable instance of this was the part they took in the memorable Nez Percé outbreak of 1878. They not only shielded and protected the whites in that disastrous war to the fullest extent of their power, but guarded their property at the

peril of their own lives, when a large portion of the white population had fled the country for safety.

When peace was restored the people acknowledged their good services and thanked them in formal terms, promising also to assist them in obtaining permanent title to their homes.

I have said this much in order to show that the Coeur d'Alene Indians are quite intelligent and fully capable of understanding their relations to their white neighbors, and that they would be likely to take a sensible view of any proposition for a change of the boundaries of their reservation which public necessity or convenience would seem to require, and at the same time to show that they are deserving of fair and honest treatment from the whites.

The one thing that has given them trouble has been the fear of losing their homes. They have watched the progress of white settlement in the surrounding country, the discovery of valuable mines, the building of railroads, etc., and all this has made them apprehensive lest in some way their reservation might be wrested from them.

In 1884 their agent reported as follows:

The rapid progress they are making, and the great interest manifested by them in their farm work, in the fences, cultivation, in improving the breed of their horses and cattle, and in fact in all things, is commendable.

It was feared in the early spring that the great rush to the Coeur d'Alene gold mines would cause considerable trespassing upon their reserve, but happily so many other routes were opened to them that there were but few crossing the reserve, and now it has nearly ceased.

And again in 1885:

The Coeur d'Alenes on the Coeur d'Alene Reserve in Idaho are flourishing in the highest degree, being wholly independent of the Government, save in the support of their schools and the instruction they receive from their farmer. What they most dread is that their lands will be taken from them some day by the whites, or they be forced to take up small allotments, while now many of them have large fields inclosed with post and board fences, or good substantial rails. Some half-dozen of them have 200 acres of land under cultivation.

And in 1886:

There has been much talk of late by the whites of having their reserve thrown open to settlement, which has troubled Saltice, their chief, very much. He, however, felt somewhat satisfied when I assured him that if such steps were taken by the Government he and his people would receive their land in severalty before the whites would be permitted to enter.

I have taken some pains to ascertain, by reference to the correspondence and otherwise, whether the Indians would be likely to consent to a reasonable reduction of their reservation, and I am satisfied that they would upon anything like just and reasonable terms, and my own opinion is that the reservation might be materially diminished without detriment to the Indians, and that changes could be made in the boundaries for the release of some or all of the navigable waters therefrom, which would be of very great benefit to the public; but this should be done, if done at all, with the full and free consent of the Indians, and they should, of course, receive proper compensation for any land so taken.

Just what portion of the reservation and navigable waters should be segregated from the reservation, I am unable to say. That, I think, should be determined by negotiations with the Indians.

As bearing upon the subject of the inquiries presented in the Senate resolution, I quote the following from the report of Inspector Gardner, already cited:

On the north and east side of the reserve (Coeur d'Alene) is a section of very mountainous country, known as "Wolf Lodge district." The Indians do not use this, and only occasionally go there hunting for elk and deer. The mountains in this district are said to contain large quantities of valuable minerals. Already prospectors have made their appearance and are only deterred from developing same by occasional presence of the military, who would eject them, and the agent would cause their arrest for trespassing on an Indian reservation. For farming, grazing, or, in fact, for any purpose whatever, this mountain district is approximately valueless to the Coeur d'Alene Indians, but could be advantageously utilized by the whites in developing the mineral resources of same. And, in view of these facts, I see no reason why proper legislation should not be had authorizing the Indians to dispose of their title to same to the United States.

I also quote the following from a report by Special Agent G.W. Gordon, of this Bureau, who visited the Coeur d'Alene Indians upon official business in August last:

There is great eagerness on the part of the whites to locate mining claims on the mineral portion of the reserve, and especially in that section known as "Wolf Lodge," and we found mining claims numerously staked off in that section and in some cases notices posted, though we did not find the parties themselves on the

reserve. These mining prospectors are constantly on this portion of the reserve, and it seem next to impossible to keep them off with the means at hand. They are doing no injury, however, further than simply locating mining claims with a view to their possession when that part of the reserve is opened to settlement, as it seems to be believed by them it will be at an early day.

It may be proper to add that the special agent found the Indians decidedly opposed to taking their lands in severalty under the general allotment act. This may be accounted for in part, I think, by the fact that some of them have individually much more land under cultivation than they would be entitled to under the act, and they naturally desire to keep all they have.

Upon this subject the special agent says:

While on the reserve we held a general and well-attended council of the Indians, in order to obtain their views in regard to taking their lands in severalty, and after a clear understanding as to what was desired by the Government, they decided by a unanimous vote adversely to taking in severalty otherwise than they now hold them. These Indians, as you are doubtless aware, are settled on farms of their own selection, are self-supporting and making gratifying progress in agriculture, while they have good schools and their children generally being educated.

In conclusion I will state that in my opinion these Indians have all the original Indian rights in the soil they occupy. They claimed the country long before the lines of the reservation were defined by the executive order of 1873, and the present reservation embraces only a portion of the lands to which they laid claim. This claim has been recognized in various ways and at sundry times, and the

last congress authorized the Secretary of the Interior to negotiate with them "for the cession of their lands outside the limits of the present Coeur d'Alene Reservation to the United States." Pursuant to that authority negotiations were conducted with them in March last and an agreement concluded, which is now before Congress for ratification. The agreement is published in House Ex. Doc. No. 63, Fiftieth Congress, first session, pp. 53-56.

It should be stated also that provision is made in said agreement for the removal and settlement upon the Coeur d'Alene Reservation of the Upper and Middle Bands of Spokane Indians, now residing in and around Spokane Falls, in Washington Territory, and also the Calispels, now residing in the Calispel Valley, and any others of the non-reservation Indians belonging to the Colville Agency, and it is confidently hoped and expected that if the agreement is ratified and confirmed the Spokanes, numbering between 350 and 400 souls, will be removed and settled there.

However, there undoubtedly is an abundance of good farming land in the extreme southern portion of the reservation for all the Indians who will be likely to go there, and much to spare.

I think that when the present agreement shall have been ratified it will be an easy matter to negotiate with them for the cession of such portions of their reservation as they do not need, including all or a portion of the navigable waters, upon fair and very reasonable terms.

In addition to the two maps spoken of in this report, I transmit herewith a tracing of the official map of the survey of "so much of the outboundaries of the Coeur

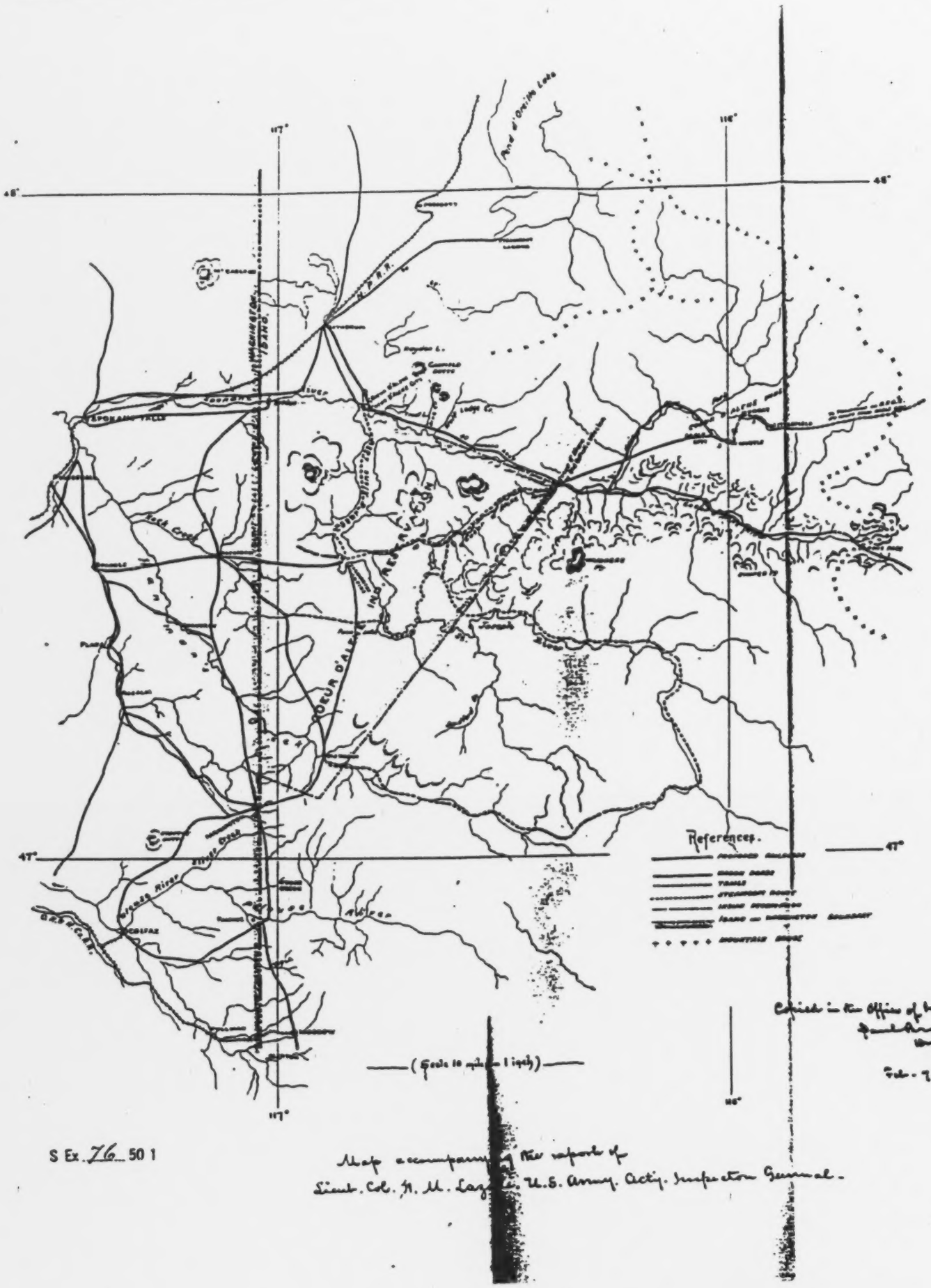
d'Alene Indian Reservation in Idaho as are not marked by prominent natural boundaries and by the surveyed line between Idaho and Washington Territories," as surveyed in 1883 by Darius F. Baker, United States deputy surveyor.

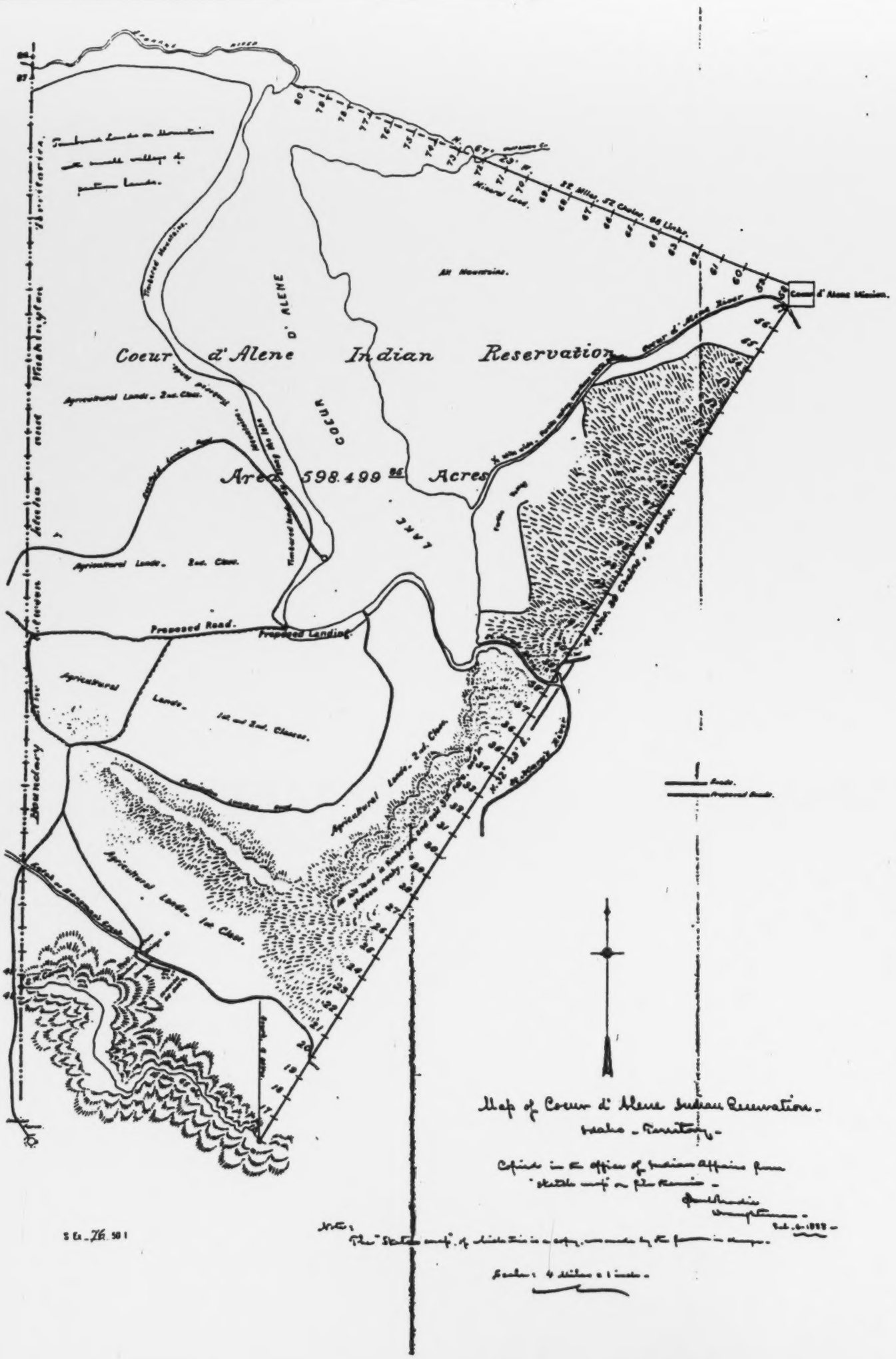
A copy of this report is herewith inclosed, and also the Senate resolution.

Very respectfully, your obedient servant,

J. D. C. Atkins,
Commissioner.

The Secretary of the Interior.


References.
Coeur d'Alene Lake
Spokane River
Little Spokane River
Hangman Creek
Hangman Creek
Spokane Falls
Coeur d'Alene Ind. Reservation
Spokane Indian Reservation
Colville Indian Reservation
Big Bend
Columbia River
Kettle River
Okanogan River
Okanogan
Similkameen
Similkameen River
Kettle River
Big Bend
Columbia



Map of Coeur d'Alene Indian Reservation.
Idaho - Territory.

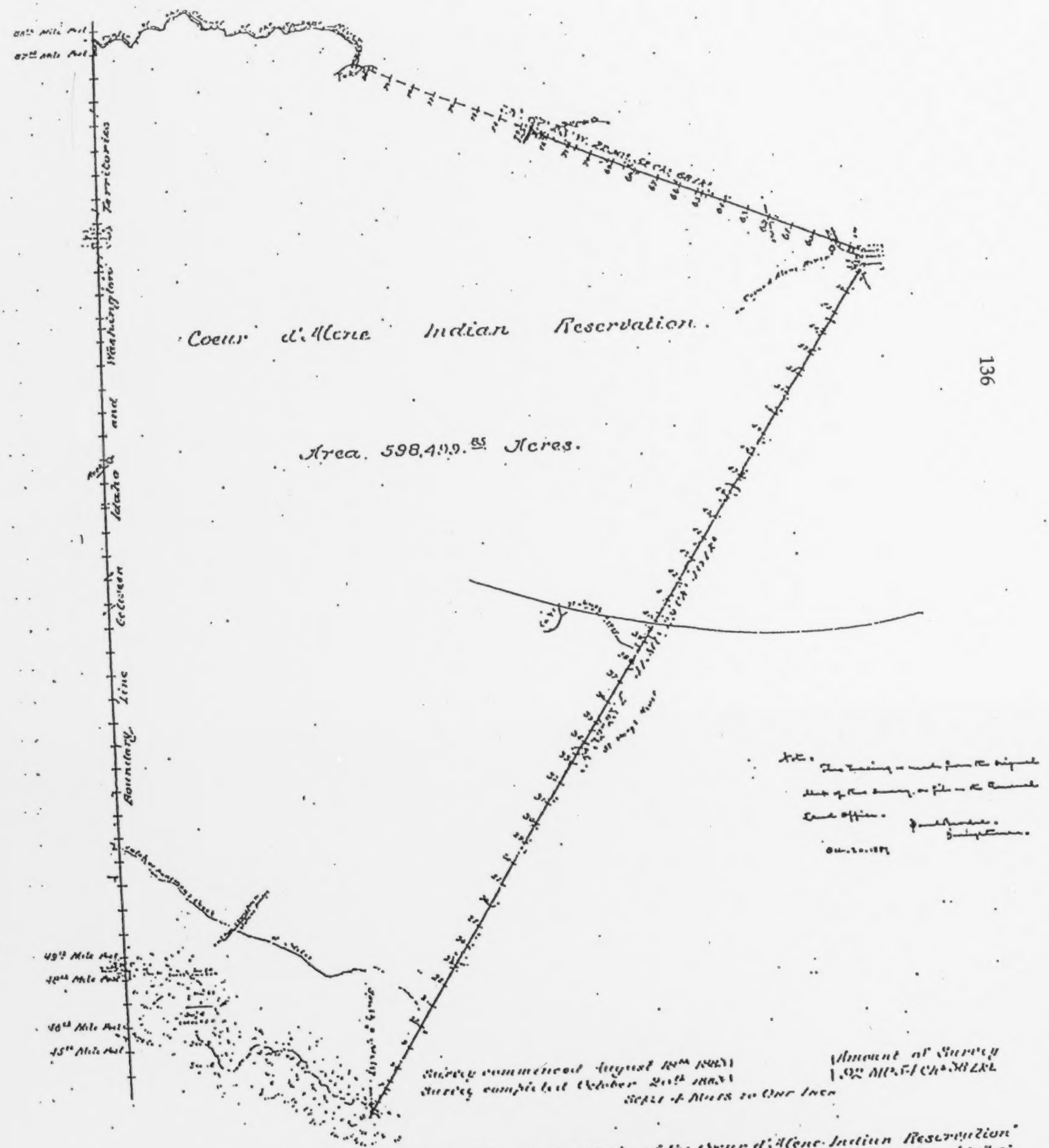
Copied in the office of Indian Affairs from
"Sketch map" on file therein.

Approved
Commissioner.

Feb. 6th 1909.

Note:
The "Sketch map" of which this is a copy, was made by the Surveyor in charge.

S.G. - 76. 501



The above Map of so much of the out boundaries of the Coeur d'Alene Indian Reservation in Idaho as are not marked by prominent natural boundaries and by the surveyed line between Idaho and Washington Territories as surveyed by Burton F. Baker U.S Deputy Surveyor, under his contract dated April 5th 1881, is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

U.S Surveyor General's Office
Boise City, Idaho Territory.
May 15th 1884.

U.S Surveyor General for Idaho

EXHIBIT 99

INDIAN AFFAIRS.

LAWS AND TREATIES.

Vol. I.

(LAWS.)

Compiled to December 1, 1902.

COMPILED AND EDITED

BY

CHARLES J. KAPPLER, LL. M.,

CLERK TO THE SENATE COMMITTEE ON
INDIAN AFFAIRS.

May 30, 1888.

25 Stat. 160

CHAP. **336.** – An act granting to the Washington and Idaho Railroad Company the right of way through the Coeur d'Alene Indian Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Washington and Idaho Railroad Company, a corporation organized and existing under the laws of the Territory of Washington for the extension of its railroad through the lands in Idaho Territory set apart for the use of the Coeur d'Alene Indians by executive order, commonly known as the Coeur d'Alene Indian Reservation,

beginning at a point on the westerly line of said reservation near the junction of the Washington and Idaho Railroad with the Idaho Branch of said road, near Lone Pine, in Washington Territory, and running thence in a northerly direction across the Coeur d'Alene Indian Reservation to a point near the mouth of the Saint Joseph's River, on the Coeur d'Alene Lake, thence in a northeasterly direction along the east side of the Coeur d'Alene Lake to the Coeur d'Alene River, and thence in a generally easterly direction, by the Coeur d'Alene Mission, to the east line of the reservation.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid: and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also, ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats

thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid: and the surveys, construction, and operation of such railroad, including charges of transportation, shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way shall be obtained by said railroad company in such manner as the Secretary of the Interior shall prescribe, before any right under this act shall accrue to said company.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservation within two years from the passage of this act.

SEC. 5. That said railway company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from

the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided,* That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

Received by the President, May 18, 1888.

[NOTE BY THE DEPARTMENT OF STATE. – The foregoing act having been presented to the President of the United States for his approval and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

EXHIBIT 188

REPORTS OF COMMITTEES

[Page 8754]

CONGRESSIONAL RECORD – SENATE
SEPTEMBER 20, [1888]

Mr. DAWES. I am instructed by the Committee on Indian Affairs to report favorably, without amendment, the bill (S.3557) to ratify and confirm certain agreements with the Upper and Middle bands of Spokane Indians, the Coeur d'Alene Indians, the Lower Pend d'Oreille or Calispel Indians, and the confederated bands of Flathead, Pend d'Oreille, and Kootenay Indians, in Washington, Idaho, and Montana Territories, and for other purposes.

Mr. President, I have had occasion to ask many indulgences of the Senate in regard to bills from the Committee on Indian Affairs, but this bill comes to the Senate under peculiar circumstances, and I should like to state what it is and ask further indulgence that it may be put on its passage now.

The PRESIDENT *pro tempore*. The Chair will receive formal mounting business, if there be no objection, and recognize the Senator later.

Mr. DAWES. Very well.

* * *

[Page 8755] REMOVAL OF INDIANS

Mr. DAWES. I ask unanimous consent that the bill I reported this morning from the Committee on Indian

Affairs may be considered at this time. I will state to the Senate, if it is desired, the reason why I ask action now.

Mr. MITCHELL. I wish to inquire if it will take any time.

Mr. DAWES. No longer than to read the bill, I am confident. If it should, of course I would not press its consideration now.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 3557) to ratify and confirm certain agreements with the Upper and Middle bands of Spokane Indians, the Coeur d'Alene Indians, the Lower Pend d'Oreille or Calispel Indians, and the confederated bands of Flathead, Pend d'Oreille, and Kootenay Indians, in Washington, Idaho, and Montana Territories, and for other purposes.

Mr. DAWES. The purpose of the bill is to provide the immediate relief of these Indians. The Department of the Interior has information that they are in a very destitute and starving condition at this moment. The bill provides for their removal to the Couer d'Alene and Colville reservations, where they will be abundantly well taken care of. The agreements made for that purpose were made two years ago, but have failed to be brought to the consideration of Congress for ratification until now.

A special messenger, an exceedingly intelligent Catholic priest, has been sent here on purpose to bring to the attention of the Department the destitute condition of these Indians at this moment. The Department sent him to the committee this morning. The bill has been reported

unanimously. To pass it will take no longer than to read it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

* * *

EXHIBIT 3253

Act of March 2, 1889
25 Stat. 980, 1002

CHAP. 412. – An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

* * * *

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized and directed to negotiate with the Coeur d'Alene tribe of Indians for the purchase and release by said tribe of such portions of its reservation not agricultural and valuable chiefly for minerals and timber as such tribe shall consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress and for the purpose of such negotiation, the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated; the action of the Secretary of the Interior hereunder to be reported to Congress at the earliest practicable time.

EXHIBIT 3160

Brief in reply to the following:
Law and Land

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,
Washington, June 18, 1889.

Gen. Benjamin Simpson,
Selma, Alabama,

Hon. John H. Shupe,
Oakland, Oregon,

Napoleon B. Humphrey, Esq.,
Albany, Oregon.

Gentlemen:

The Secretary of the Interior having appointed you commissioners "to negotiate with the Coeur d'Alene tribe "of Indians for the purchase and release by said tribe of such "portions of its reservation, (in Idaho) not agricultural and "valuable chiefly for minerals and timber as such tribe shall "consent to sell" &c., authority for which is found in the 4th Section of the Indian Appropriation Act approved March 2, 1889 (25 Stat. 1002), and of which appointment you were severally notified by letters bearing date March 31, 1889, the following instructions are issued for your guidance in the duties devolving upon you under and by virtue of such appointment.

The following is the full text of the Section referred to:

That the Secretary of the Interior be, and he is hereby, authorized and directed to negotiate with the Coeur

d'Alene tribe of Indians for the purchase and release by said tribe of such portions of its reservation not agricultural and valuable chiefly for minerals and timber as such tribe shall consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians which purchase shall not be complete until ratified by Congress and for the purpose of such negotiation, the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated; the action of the Secretary of the Interior hereunder to be reported to Congress at the earliest practicable time.

The reservation of the Coeur d'Alene tribe of Indians to which the Act relates is situated in the Northwestern portion of Idaho, between the 47th and 48th parallels of north latitude, and has for its western boundary the dividing line between Idaho and Washington Territory. It embraces an area of 598,500 acres, or 935 square miles.

The reservation was established for the Coeur d'Alene Indians by Executive Orders dated June 14, 1867 and November 8, 1873. – See pamphlet Executive Orders herewith p.p.323 to 325.

In a recent report by this office, to which more particular reference will shortly be made, the then Commissioner (Mr.Atkins) said:

In my opinion these Indians have all the original Indian rights in the soil they occupy. They claimed the country long before the lines of the reservation were defined by the Executive Order of 1873, and the present reservation embraces only a portion of the lands to which they laid claim. This claim has been recognized in various ways and at sundry times, and the last Congress (50th) authorized the Secretary of the Interior to negotiate with

them "for the cession of their lands outside the limits of the present Coeur d'Alene Reservation to the United States".

I will add here for your information that negotiations were conducted with the Coeur d'Alenes in pursuance of the authority above cited, resulting in an agreement most satisfactory to the Indians, but which has never been ratified by Congress. For the particulars of said agreement and history of the negotiations, see House Ex.Doc.No.63, 50th Cong.1st Sess., copy herewith, p.35 et seq.

No cession of any portion of the reservation was proposed in the negotiations then had. The Act simply authorized negotiations for the cession of lands "outside the limits of the present Coeur d'Alene reservation."

The present law, under which negotiations are now to be conducted, as we have already seen authorizes negotiations for the purchase and release by said tribe "of *such portions of its reservation*, not agricultural and valuable chiefly for minerals and timber as such tribe shall consent to sell."

That this office has been in sympathy with the general feeling of the whites in that section of the country that the Coeur d'Alene reservation should be reduced to some extent, in the interest of trade and commerce and public convenience, is shown from the report made by the office in response to a resolution of the Senate of the United States, of January 25, 1888, calling for certain information in respect of said reservation, and also as to whether it was advisable to release any of the navigable

waters therein referred to, from the limits of the reservation; which said report is published in Senate Ex.Doc.No.76, 50th Congress 1st Session, a copy of which is herewith enclosed.

Brief mention of this report was made in the first part of these instructions and I now desire to call your attention more particularly to it, as showing, in connection with the accompanying maps, the character of the lands embraced within the reservation as far as known to this office, where the agricultural, grazing, and mineral lands lie, the location and extent of its navigable waters, the position of the neighboring towns and mines, the steamboat route through Lake Coeur d'Alene and the Coeur d'Alene river, the wagon-roads and trails entering and crossing the reservation, mountain ranges, railroads, etc.

It is understood that all, or nearly all, of the Indians live in the southern portion of the reservation, – south of Lake Coeur d'Alene and St. Joseph river and not far from the old mission on Hangman's Creek:

They cultivate the soil extensively, have comfortable houses and are well supplied with agricultural implements of the most improved patterns, all of which they have acquired by their own unaided industry. They make but little if any use of the northern portion of their reservation, for the simple reason that the best agricultural lands are in the extreme southern portion of the reservation, and they are essentially an agricultural people. Hence the portion of the reservation they will be most likely to part with is the northern portion, the lands of which are believed to be chiefly valuable for minerals and timber, classes to which the act only applies, and the segregation of which would, presumably, be of most benefit to the public at large.

This office is not prepared to say just what particular portions of the reservation are subject to purchase under the Act, which as has just been observed, confines the negotiations to the purchase of lands "not agricultural and valuable chiefly for minerals and timber." That can best be determined by personal inspection by the commissioners and conference with the Indians.

Saltice and other prominent chiefs of the tribe have frequently expressed a willingness to sell some of the "mountain lands" within their reservation boundaries, but they appear to be very greatly disappointed on account of the failure of Congress thus far to ratify the agreement of March 26, 1887, which provides payment to the Indians for lands claimed by them outside of their present reservation, and in a recent communication to the President they expressed a strong disinclination to enter into a new agreement in advance of the ratification of the old one.

For your information I will state that the aforesaid agreement – of March 26, 1887, – was transmitted to Congress by the President on January 9, 1888, with a recommendation from this office for its speedy ratification in which recommendation the then Secretary of the Interior concurred – See House Ex.Doc.No.68 50th Congress 1st Session herewith – but it does not appear that any final action has been taken thereon by that body.

You will proceed without unnecessary delay to the Coeur d'Alene reservation, where the Agent who has charge of the reservation, Hal.J.Cole, Esq., will be instructed to meet you upon your notifying him of the date when you expect to arrive there. The Agent's post

office address is "Fort Spokane, Washington Territory." Telegrams should be addressed "Spokane Falls, Washington Territory."

You will hold open councils with the Indians to which all the male adults 18 years of age and upwards belonging to the reservation shall be invited.

The provision of law authorizing the negotiations should be carefully read and explained to the Indians, who should be made to clearly understand that any purchase you may negotiate with them will "not be complete until ratified by Congress." After which you will conduct the authorized negotiations, remembering that as the agents of the Government it is your duty to study and zealously guard the interests of the Indians looking to their future well-being and permanent prosperity, and in all your dealings with them, to advise them wisely and for their best good.

Great care should be taken in your interviews to secure proper and exact interpretations of the communications passing between you.

You will make a complete and accurate report of all your proceedings, and of the proceedings of every council held, including all that is said or done by any person present, and the same must be certified by your signatures as correct and submitted with your final report.

In addition to the original written proceedings and report of the commission, you will prepare and submit two copies of each in order that the same may be in condition to submit to Congress.

Any agreement effected, should be carefully drawn and executed by not less then three-fourths of all the adult male members of the tribe occupying the reservation.

You are authorized to employ such interpreters and clerical assistants, and to incur such other proper expense as may be necessary to the faithful discharge of the duties devolving upon you, strictly observing, however, to make no expenditure in excess of the appropriation of two thousand dollars ($2,000), provided by the Act.

For your guide in the preparation of an agreement, especially with reference to signatures, seals, attestation of witness, certificate of interpreters etc., see agreement with certain Indians in Montana, ratified by Act of May 1, 1888 (Public No.78), copy herewith.

Very respectfully,

/s/ [Illegible]
Acting Commissioner.

(Larrabee)

EXHIBIT 250

THE

EXECUTIVE DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FIFTY-FIRST CONGRESS.

1889-'90.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1890.

REPORT
OF THE
COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 1, 1889.

SIR: The fifty-eighth annual report of the Commissioner of Indian Affairs is respectfully submitted.

I entered upon the discharge of the duties of this office July 1, 1889. I have had no time as yet to familiarize myself fully with the details of office administration nor to make myself acquainted by personal observation with the practical workings of the Indian field service. As soon as practicable, I hope to do both.

Unexpectedly called to this responsible position, I entered upon the discharge of its duties with a few simple, well-defined, and strongly-cherished convictions:

First. – The anomalous position heretofore occupied by the Indians in this country can not much longer be maintained. The reservation system belongs to a "vanishing state of things" and must soon cease to exist.

Second. – The logic of events demands the absorption of the Indians into our national life, not as Indians, but as American citizens.

Third. – As soon as a wise conservatism will warrant it, the relations of the Indians to the Government must rest solely upon the full recognition of their individuality. Each Indian must be treated as a man, be allowed a man's rights and privileges, and be held to the performance of a man's obligations. Each Indian is entitled to his proper share of the inherited wealth of the tribe, and to the protection of the courts in his "life, liberty, and pursuit of happiness." He is not entitled to be supported in idleness.

Fourth. – The Indians must conform to "the white man's ways," peaceably if they will, forcibly if they must. They must adjust themselves to their environment, and conform their mode of living substantially to our civilization. This civilization may not be the best possible, but it is the best the Indians can get. They can not escape it, and must either conform to it or be crushed by it.

* * *

Negotiations with the Pottawatomie and Kickapoo Indians in Kansas. – By section 3 of the Indian appropriation act of March 2, 1889 (25 Stat., 1002), the sum of $5,000 was appropriated "to enable the President to negotiate with the Prairie land of Pottawatomies and the Kickapoo Indians for the sale of a portion of their lands in Kansas and the allotment of the remainder in severalty; such agreements as may be made to be submitted by the President to Congress at the next session."

In pursuance of this provision, the President on April 26, 1889, appointed Benjamin J. Horton, of Lawrence, Kans., A. D. Walker, of Horton, Kans., and H. J. Aten, of Hiawatha, Kans., commissioners to negotiate with said Indians for the purpose therein specified. Instructions for their guidance in the discharge of the duties before them, prepared in this office, and approved by the Department May 9, 1889, were duly transmitted.

A preliminary report received from said commissioners shows that the efforts so far made by them to effect the negotiations contemplated by the law under which they are appointed have not been successful. The Indians, it is said, are influenced against taking allotments by the condition, example, and persuasion of about 250 members of what is known as the citizen class of Pottawatomie Indians who some years ago took their lands in severalty, without restriction as to alienation, and received their portion of annuities, and are now without land or money, living on the charity of their friends on the reservation, where they have no rights. These pauper quasi-citizen Indians are entitled under existing laws to take allotments on the Pottawatomie Reservation in the Indian Territory, and for their own welfare, as well as for

the good of the Indians among whom they are now living without present or future prospects for improvement of their condition, they should be removed to the Indian Territory, and be required to take allotments and work for self support. This may be necessary to secure the consent of the Pottawatomie and Kickapoo Indians in Kansas to the measures contemplated in the law above referred to.

The question of making allotment under the provisions of the general allotment act to such of the members of these two tribes as desire them was submitted to the Department by this office on September 13, 1889.

Sioux in Dakota. – By section 29 of an act approved March 2, 1889 (25 Stat., 859), "to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," it is provided –

That there is hereby appropriated, out of the money in the Treasury not otherwise appropriated, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, which sum shall be expended, under the direction of the Secretary of the Interior, for procuring the assent of the Sioux Indians to this act provided in section 27.

The last clause of section 3 of the Indian appropriation act of March 2, 1889 (25 Stat., 1002), reads as follows:

The President of the Untied States is hereby authorized and empowered to appoint three commissioners for the purpose of entering into negotiations and agreements with the Sioux Indians occupying the Great Sioux Reservation in Dakota for a full and complete cession and

relinquishment to the United States of a portion of their reservation, and to divide the remainder into separate reservations, and such agreements, when made, to be by them submitted in the first session Fifty-first Congress for ratification, and to carry out this provision the sum of twenty-five thousand dollars, or as much thereof as may be found necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, this amount to be immediately available: *Provided*, That the pay of such commissioners shall not exceed ten dollars per day, exclusive of traveling expenses.

Under this latter provision of law, Hon. Charles Foster, of Fostoria, Ohio, Hon. William Warner, of Kansas City, Mo., and Maj. Gen. George Crook, U. S. Army, were appointed by the President a commission to negotiate with the Sioux for the purpose therein provided.

The instructions for this commission were prepared in this Office, and, after they had been approved by the Secretary of the Interior, were transmitted to the said commission, which entered upon its duties in the latter part of May last.

The commissioners have been successful in negotiating an agreement whereby the Indians relinquish their title to a large portion of the great Sioux Reservation, but the report of the result of their labors has not been received in this office.

Coeur d'Alene Reservation. – The fourth section of the Indian appropriation act of March 2, 1889 (25 Stat., 1002), provides as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to negotiate with the Coeur d'Alene tribe of Indians for the purchase and release by

said tribe of such portions of its reservation not agricultural, and vainable chiefly for minerals and timber, as such tribe shall consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and for the purpose of such negotiation the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the action of the Secretary of the Interior hereunder to be reported to Congress at the earliest practicable time.

The Secretary, by letter of May 31, 1889, appointed Gen. Benjamin Simpson, of Selma, Ala., Hon. John H. Shupe, of Oakland, Oreg., and Napoleon B. Humphrey, esq. of Albany, Oreg., a commission to conduct the negotiations with the Coeur d'Alene Indians in accordance with the provisions of said act. Instructions were transmitted to the commission July 3, 1889.

Councils with the Indians were held in August last and as a result of the negotiations an agreement was concluded on the 9th day of September following, whereby the Indians agreed to sell a considerable portion of their reservation (in the northern part), valuable chiefly for minerals and timber, and embracing by far the greater portion of the navigable waters of the reservation. The terms agreed upon are regarded by the commissioners as reasonable and just alike to the Indians and the Government.

The agreement and the report of the commission will be submitted to the Department at an early day for transmittal to Congress.

Indian Territory. – In accordance with the provisions of section 14 of the Indian appropriation act of March 2, 1889 (25 Stat., 1005), Hon. Lucius Fairchild, Hon. J. F. Hartranft, and A. H. Wilson, esq., were appointed by the President a commission to "negotiate with the Cherokee Indians, and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory, for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands."

Upon the receipt of its instructions this commission proceeded to the Indian Territory, and in a letter of August 2, 1889, to Hon. J. B. Mayes, principal chief Cherokee Nation, submitted the proposition authorized by the act "that the said nation shall cede to the United States, in the manner and with the effect aforesaid, all the rights of said nation" in the lands of that nation lying west of the ninety-sixth degree of longitude in the Indian Territory, and known as the Cherokee Outlet "upon the same terms as to payment as is provided in the agreement made with the Creek Indians, of date January 19, 1889." The commission so tendered $1.25 per acre to the said nation for all the lands embraced in the said "Cherokee Outlet," the sums heretofore paid by the United States to be deducted from the total amount found to be due therefore at the rate aforesaid.

Mr. Mayes, by letter of August 12, 1889, replying to this proposition, declined to convene the Cherokee Council in special session, for the reason, as stated by him, that such action could not facilitate the matter, as he claims that the constitution of the Cherokee Nation will have to

be amended before any proposition to sell any part of the Cherokee country can be entertained.

Copy of the correspondence between the commission and Mr. Mayes has been filed, and the said commission has suspended negotiations until such time as the Cherokee Council shall have convened in regular session, when negotiations will be resumed.

Red Pipestone Reservation in Minnesota. – The act of March 2, 1889 (25 Stat., 1012), entitled "An act for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian Reservation in Minnesota," directed the Secretary of the Interior to appoint three discreet persons, at least one of whom shall be a resident and freeholder in the State of Minnesota, to appraise the actual value of the agricultural lands in said reservation (save and except the SW, of Sec. 1, in T. 106 N., of R.46 W.); also to appraise the actual value of the strip of land 100 feet in width over and across said reservation occupied by the Cedar Rapids, Iowa Falls and Northwestern Railway Company, as well as the damage done to other lands of said reservation by reason of the taking and occupying of said strip for railroad purposes; the appraisals to be made with a view to the entry and sale of such tracts as the Yankton Indians might consent to relinquish,

Messrs. S. H. Nichols, Robert Scarf, and T. C. Smallwood were appointed commissioners to make the required appraisement, and on May 11, 1889, they submitted their report, which was transmitted to the Department June 20, 1889.

Under the provisions of section 3 of said act Messrs. G. W. Parker, United States Special Indian Agent, Frank W. Rawles, and Samuel T. Leavy, United States Indian Agent in charge of the Yankton Agency, were designated for the purpose of securing the consent of a majority of the male adults of the Yankton tribe of Dakota or Sioux Indians to the proposed sale of the lands and right of way. Under date of August 1, 1889, the commissioners submitted their report, from which it appears that the Indians determined not to assent to the provisions of the act for the sale of any portion of the reservation, except the right of way for the railroad.

This action is not a surprise to this office. The Red Pipestone Reservation was established under the eighth article of the treaty between the United States and the Yankton tribe of Sioux or Dakota Indians, concluded April 19, 1858 (11 Stat., 743), which provided that said –

Yankton Indians shall be secured in the free and unrestricted use of the Red Pipestone quarry, or so much thereof as they have been accustomed to frequent and use for the purpose of procuring stone for pipes; and the United States hereby stipulates and agrees to cause to be surveyed and marked as much thereof as may be necessary and proper for that purpose, and retain the same and keep it open and free to the Indians to visit and procure stone for pipes so long as they shall desire.

The reservation (1 mile square) was surveyed in August, 1859. Subsequently in the survey of the townships in which it was included, the lines were extended across the reservation without respecting it. Through this error a patent was inadvertently issued to one August Clausen, May 15, 1874. Suit was subsequently brought in

the United States circuit court to vacate said patent. The defendants demurred to the bill for want of equity; the demurrer was sustained and the bill dismissed at the June term, 1880. The suit was carried to the Supreme Court on appeal, and at the October term, 1884, the decree was reversed, with directions to overrule the demurrer, the defendants to have leave to answer. (111 U.S., 347.) The opinion, however, virtually covered the merits of the case and established the legal character of the reservation.

Other entries were made on the reservation but were canceled, and various applications have been rejected. In October 1887, certain parties who had been residing upon the reservation, and had made improvements thereon, were removed with the aid of the military, under

* * *

EXHIBIT 215

SENATE.

51ST CONGRESS, *1st Session.*

EX. DOC. *No.* 14.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter of the Secretary of the Interior relative to the purchase of a part of the Coeur d'Alene Reservation

DECEMBER 18, 1889. – Read, referred to the committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of 16th instant from the Secretary of the Interior, submitting the report, with accompanying papers of the Commission appointed under the provisions of the act of March 2, 1889 (25 Stats., 1002), to conduct negotiations with the Coeur d'Alene tribe of Indians, for the purchase and release by said tribe of such portions of its reservation not agricultural, and valuable chiefly for minerals and timber, as such tribe shall consent to sell, etc., together with the agreement entered into by said Commission September 9, 1889, with said Indians.

BENJ. HARRISON.

EXECUTIVE MANSION,
December 18, 1889.

DEPARTMENT OF THE INTERIOR,
Washington, December 16, 1889.

The PRESIDENT:

I have the honor to submit herewith a report, with the accompanying papers, of the commission appointed in pursuance of the act of March 2, 1889, making appropriations for the current and contingent expenses of the Indian Department (25 Stats., 1002), to negotiate with the Coeur d'Alene tribe of Indians for the purchase and release by said tribe of such portions of its reservation not agricultural, and valuable chiefly for minerals and timber, as such tribe shall consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress.

In this report the area of the ceded territory is estimated at 184,960 acres, or 289 square miles, and the consideration agreed upon is the sum of $500,000, to be paid to the said Indians "pro rata, or share and share alike for each and every member of said tribe as recognized by said tribe now living upon said reservation," upon condition that the agreement of March 26, 1887, with said Indians, now before Congress (see House Ex. Doc. 63, Fiftieth Congress, first session, p. 53), shall be duly ratified by Congress.

The commissioners, in presenting this agreement, say:

In consideration of the fact that there is but very little agricultural land in the territory negotiated for, that it is the universal desire of the inhabitants of the Northwest

that this land be opened to public domain, the great demand and the scarcity of timber adjacent to this section of the country, the prospects of vast mineral wealth which would be of great benefit to capital seeking investment, and the small value this land is to the Indians, the commissioners deem the bargain an excellent one, the price very reasonable, much lower than could have been expected, and hope that in this purchase you will realize, as they do, the importance of this land being made useful to the governing States and Territories.

The Commissioner of Indian Affairs in his report herewith reviews the provisions of the agreement and refers to previous reports showing the character and condition of these Indians.

It is believed that this agreement is the best that can be made, and it is submitted with the recommendation that it be transmitted to Congress for such action as may be deemed proper.

I have caused two maps to be prepared for the information of Congress, showing the Coeur d'Alene Reservation and the lands therein ceded by this agreement.

I have the honor to be, very respectfully, your obedient servant.

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, DECEMBER 7, 1889

SIR: The fourth section of the act making appropriations for the current and contingent expenses of the

Indian Department, etc., approved March 2, 1889 (25 Stats., 1002), provides as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to negotiate with the Coeur d'Alene tribe of Indians for the purchase and release by said tribe of such portions of its reservation not agricultural, and valuable chiefly for minerals and timber, as such tribe shall consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and for the purpose of such negotiation the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated; the action of the Secretary of the Interior hereunder to be reported to Congress at the earliest practicable time.

In pursuance of this provision a commission, composed of Hon. Benjamin Simpson, of Selma, Ala., Hon. John H. Shupe, of Oakland, Oregon, and Napoleon B. Humphrey, esq., of Albany, Oregon, was appointed in May last, and under instructions of June 13, 1889, proceeded to the Coeur d'Alene Reservation in the discharge of its duties, arriving there on the 5th of August following.

The commissioners report that they held frequent councils with the Indians, explored the mineral portions of the reservation lying in the northern part thereof, and finally, on September 9, 1889, concluded an agreement with the Indians whereby they cede and relinquish to the United States a very considerable portion of their reservation, valuable chiefly for minerals and timber, upon terms advantageous as they believe both to the Indians and the

Government. The area of the ceded territory is estimated at 184,960 acres, or 289 square miles.

I have the honor to herewith submit the final report of the commission (dated September___, 1888), the agreement entered into with the Indians, and the minutes, or more properly the reports, of the several councils held with them.

The cessation is described in the first article of the agreement as follows:

Beginning at the northeast corner of the said reservation, thence running along the northern boundary line north sixty-seven degrees twenty-nine minutes; west to the head of the Spokane River to the northwest boundary corner of the said reservation; thence south along the Washington Territory line 12 miles; thence due east to the west shore of the Coeur d'Alene Lake; thence southerly along the west shore of said lake to a point due west of the mouth of the Coeur d'Alene River, where it empties into the said lake; thence in a due east line until it intersects with the eastern boundary of said reservation; thence northerly along the said eastern boundary line to the place of beginning.

The principal consideration agreed upon is found in the second article, which reads as follows:

And it is further agreed in consideration of the above, that the United States will pay to the said tribe of Coeur d'Alene Indians the sum of $500,000, the same to be paid to the said tribe of Coeur d'Alene Indians upon the completion of all the provisions of this agreement.

Article 3 prescribes the manner of payment as follows:

It is further agreed that the payment of the money aforesaid shall be made to the said tribe of Indians pro rata, or share and share alike for each and every member of the said tribe as recognized by said tribe now living upon said reservation.

It would appear from the language of the two articles together that the money is to be paid to the Indians per capita, cash in hand.

As, according to the last census, the tribe numbers five hundred and twenty men, women and children, each would receive about $960 of the consideration named.

A further and in itself important stipulation and consideration is found in the fourth article, as follows:

It is further agreed and understood that this agreement shall not be binding upon either party until the former agreement now existing between the United States by the duly appointed commissioners and the said Coeur d'Alene tribe of Indians, bearing date of March 26, 1887, shall be duly ratified by Congress, and in the event of the ratification of the aforesaid agreement of March 26, 1887, to be and remain in full force and effect, but not binding upon either party until ratified by Congress.

The agreement of March 26, 1887, to which reference is meant, was made in pursuance of authority contained in the Indian appropriation act, approved May 15, 1886 (24 Stats., 44), and was submitted to Congress, by the President, January 9, 1888.

The Coeur d'Alene Indians laid claim to a vast area of country outside of their present reservation, including the site of the present flourishing city of Spokane Falls and other now populous communities.

Their claim was based upon original possession and occupancy.

A full history of the case, and the agreement itself, may be found in House Ex. Doc. No. 63, Fiftieth Congress, first session, two copies herewith.

When the Commissioners whose work is now under consideration approached the Indians upon the subject of relinquishment of some of their reservation lands, they absolutely refused to entertain any proposition of that kind until the old agreement was ratified.

Finally, however, after much argument and entreaty they consented to relinquish the lands the Government proposed to purchase, and the price named ($500,000), upon the express condition that the old agreement should be ratified and carried into effect; and accordingly a provision for the ratification of said agreement was inserted in the agreement. (Article 4.)

In reporting upon this point the Commissioners say:

The Commissioners were made aware of the stern fact that they were contending with obstacles that threatened to overthrow all business plans they had formed, and presented formidable barriers to the consummation of a treaty. The Indians, while kind and courteous, were reluctant upon business propositions from the fact that other business transactions with them had been neglected; and the failure of Congress to ratify the last treaty, together with the dilatory manner of the railroad company in making payment for right of way, were weapons they used against overtures of the Commissioners for the purchase of any more land. They displayed surprising business sagacity, coupled with an exalted

idea of the fulfillment of promises. Much time was consumed in appeasing the grievances they fostered, and in establishing confidence with them. They finally consented to dispose of a portion of the land that is included in this treaty, they insisting upon making the lines. The exorbitant price asked, and the small amount of land offered, precluded any bargain, and thus matters stood for two councils following.

After they had been shown the benefits to accrue from the sale of these lands, and the assurance by the Commission of the ratification of the former treaty – a clause being inserted bearing upon the fulfillment of the provisions of the former treaty – the sale was consummated and the agreement signed accompanying this report.

In consideration of the fact that there is but very little agricultural land in the territory negotiated for, that it is the universal desire of the inhabitants of the entire Northwest that this land be opened to public domain, the great demand and the scarcity of timber adjacent to this section of the country, the prospects of vast mineral wealth which would be of great benefit to capital seeking investment, and the small value this land is to the Indians, the Commissioners deem the bargain an excellent one, the price very reasonable – much lower than could have been expected – and hope that in this purchase you will realize, as they do, the importance of this land being made useful to the growing States and Territories.

It will be proper to state here that it would cost the Government, in money, only $150,000 (Art. 6) and the annual salary of three employees, physician, blacksmith, and carpenter, and the cost of needed medicines (Art. 12) to carry out the provisions of the old agreement, the ratification of which has been heretofore recommended by this office in submitting it to the Department for

presentation to Congress; and a bill for that purpose passed the Senate September 20, 1888 (Cong. Record, vol. 19, part 9, p. 8755), but did not reach final action in the House, where it was referred to the Committee on Indian Affairs, September 24, 1888 (*ib.* p. 8893).

This office has no data or information other than that furnished by the Commissioners themselves as to the value of the lands the Indians agree to cede and relinquish to the United States by the terms of the present agreement.

It has not been the practice to pay such large sums of money to Indians cash in hand as is proposed in this case, but the Coeur d'Alene Indians are far advanced in civilization, and from what is known of their habits and past life it would not be unreasonable to assume that they would make just as good use of their money if paid in this way as they would if it were paid to them in smaller sums or expended for their benefit in the usual manner.

As showing the character and condition of these people, I quote the following from a recent report by this office (February 7, 1888), in response to a resolution of the Senate calling for certain information in respect of their reservation, etc.:

There are few Indians in the entire country, if we except the five civilized tribes, who are as far advanced, and even they need not be excepted in any comparison either of their virtues, habits of industry, loyalty, or ambition to attain a higher stage of civilization.

They cultivate the soil extensively, live in comfortable houses, dress like the whites, wear short hair, and in all other respects live and do as white people do. Their houses are painted inside and outside, their barns are

well built and commodious, and they have all the improved farm implements and machinery. They own large bands of cattle and horses, and abundance of hogs and poultry.

The Northwest Indian Commission, in the report of its recent visit to these Indians, said:

"Each one has a comfortable house on his farm, and nearly all have equally comfortable houses at the mission, which together make quite a village. They remain on their farms during the week days, and on the Sabbath repair to their dwellings at the village to attend religious services and see their children who are at the mission schools. * * * Long experience in self-reliance and traffic with the neighboring whites has made them cautious, shrewd, and provident in the use of money. We learned that their trade in one town adjacent to the reservation amounts to about $25,000 yearly. * * * A better ordered and better behaved Indian community can nowhere be found."

Furthermore, the Coeur d'Alene Indians have been for many years the firm friends of the whites. A notable instance of this was the part they took in the memorable Nez Percé outbreak of 1878. They not only shielded and protected the whites in that disastrous war to the fullest extent of their power, but guarded their property at the peril of their own lives, when a large portion of the white population had fled the country for safety.

When peace was restored the people acknowledged their good services and thanked them in formal terms, promising also to assist them in obtaining permanent title to their homes.

I have said this much in order to show that the Coeur d'Alene Indians are quite intelligent and fully capable of understanding their relations to their white neighbors, and that they would be likely to take a sensible view of

any proposition for a change of the boundaries of their reservation which public necessity or convenience would seem to require, and at the same time to show that they are deserving of fair and honest treatment from the whites.

The one thing that has given them trouble has been the fear of losing their homes.

They have watched the progress of white settlement in the surrounding country, the discovery of valuable mines, the building of railroads, etc., and all this has made them apprehensive lest in some way their reservation might be wrested from them.

The report of the Commission, the agreement, and council proceedings, with two copies of each, furnished by the Commission, are respectfully submitted for your action and transmittal to Congress as the act requires.

Very respectfully, your obedient servant,

T.J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

(Original.)

Report of Coeur d'Alene Indian Commission, appointed March 2, 1889 (Stat., 1002).

OFFICE OF COEUR D'ALENE INDIAN COMMISSION,
Portland, Oregon, September, 1889.

SIR: The Commission appointed under authority of the act of Congress approved March 2, 1889 (Indian appropriation act), to negotiate with the Coeur d'Alene tribe of Indians for a portion of their reservation, valued chiefly for its timber and mineral, have the honor to submit the following report of their negotiations with the

said Coeur d'Alene Indians, to accompany an agreement entered into with them for a portion of said reservation, as contemplated by said act:

The Commission arrived in Portland, Oregon, from their respective homes, August 1, met on the 2d, and effected organization on the 3d, secured clerical assistance and proceeded to De Smet Mission, Coeur d'Alene Indian Reservation, August 5. Notification of the commissioners' arrival was sent Agent Hal. J. Cole, and he met with them in the first council held with the Indians on August 14, at which meeting the business of the commissioners was made known to the Indians and the provisions governing negotiations carefully explained.

Permission was asked for the privilege of examining the lands sought, which was granted by the chief, who appointed two guides to accompany the Commission on their tour of inspection of the lands mentioned in the instructions.

The Commission proceeded August 16 overland from the southern boundary of the reservation northward to the confluence of the St. Joseph River with Lake Coeur d'Alene, passing in their journey over the rich agricultural land and the many well-cultivated farms of the Indians lying in that portion of their territory. It was with much surprise and pleasure that the Commission noted the great progress made by these Indians in the ways of civilization and the arts of peace. Farms surrounded by better fences than their neighbors, the whites, burdened with golden grain that gave promise of a rich harvest; horses and cattle in large numbers peacefully grazing upon hills covered with bunch-grass, made a picture truly pleasant to contemplate.

The greater portion of the land between the southern boundary and the St. Joseph River is susceptible of cultivation. From the St. Joseph River the Commission proceeded by boat to the Old Mission, the extreme northeastern point of the reserve, traversing in their course some eight miles of Coeur d'Alene Lake and thirty miles of Coeur d'Alene River. From the Old Mission journeys were made to the interior of the adjacent country, prospecting for mineral deposits, and inspecting the growth and quality of the timber which grows abundantly upon the greater portion of the rugged mountains. Many indications of mineral were found, and the timber in places was of excellent quality, consisting of fir, yellow and white pine, cedar, and tamarack. After three days' exploration the Commission proceeded to Coeur d'Alene City, thence to the great mineral belt of the Wolf Lodge country. Portions of the timber was found to be very good, while some situated along rocky points and the steep sides of the mountains was scrubby and of little use. The mineral features of this locality give promise of rich deposits of gold, silver, and lead, equal, if not rivaling, the developed mines of Coeur d'Alene.

Returning to Coeur d'Alene City, the Commission made an inspection of the country situated west of the lake and along the Spokane River, being that part of the reserve lying in the extreme northwest. This is the section that will prove most valuable to the whites for timber at the present time. The timber is good and is easy of access, the Spokane River furnishing good facilities for conveying the logs to points along its course, where the opening of a new and rapidly settling country causes a great demand for lumber. After a thorough inspection of the northern half of the reservation, the Commission returned to headquarters and called a council on August 27.

At this council the commissioners were made aware of the stern fact that they were contending with obstacles that threatened to overthrow all business plans they had formed, and presented formidable barriers to the consummation of a treaty. The Indians, while kind and courteous, were reluctant upon business propositions, from the fact that other business transactions with them had been neglected, and the failure of Congress to ratify the last treaty, together with the dilatory manner of the railroad company in making payment for right of way, were weapons they used against overtures of the commissioners for the purchase of any more land. They displayed surprising business sagacity, coupled with an exalted idea of the fulfillment of promises.

Much time was consumed in appeasing the grievances they fostered, and in establishing confidence with them. They finally consented to dispose of a portion of the land that is included in this treaty, they insisting upon making the lines. The exorbitant price asked and the small amount of land offered precluded any bargain, and thus matters stood for two councils following. After they had been shown the benefits to accrue from the sale of these lands, and assurance by the Commission of the ratification of the former treaty, a clause being inserted bearing upon the fulfillment of the provisions of the former treaty, the sale was consummated, and the agreement signed accompanying this report.

In consideration of the fact that there is but very little agricultural land in the Territory negotiated for; that it is the universal desire of the inhabitants of the entire Northwest that this land be opened as public domain; the great demand and scarcity of timber adjacent to this section of the country; the prospects of vast mineral wealth, which would be of great benefit to capital seeking mining investment, and the small value this land is to the Indians, the commissioners deem the bargain an excellent

one, the price very reasonable – much lower than could have been expected – and hope that in this purchase you will realize, as they do, the importance of this land being made useful to the growing States and Territories.

In conclusion, we wish to mention the fact of the uniform kindness and courtesy extended to us by the chiefs and head men of the tribe during the whole time of our stay among them and the several councils held with them, and especially do we feel under deep and lasting obligations to Rev. Father Cornano and the United States interpreter, Mr. Stephen E. Liberty, for the careful and correct manner in which they conducted the interpretations and their efforts to bring about an amicable and satisfactory settlement.

With the hope that what our labors have accomplished will be satisfactory and acceptable to yourself and that Congress will deem it advisable to ratify what has been done, we are,

Very respectfully, your obedient servants,

BENJAMIN SIMPSON.
JOHN H. SHUPE.
NAPOLEON B. HUMPHREY.

First council with Coeur d'Alene Indians, held at De Smet Mission, Wednesday, August 14, 1889.

The council met and was opened with prayer by Rev. Father Camano. Present: Commissioners General Ben. Simpson, J. H. Shupe, and N. B. Humphrey, the chiefs, headmen, and male adults of the Coeur d'Alene tribe of Indians, and their interpreter.

General SIMPSON said: Friends, I am glad to meet you here to-day, pleased to see so many in attendance. I will state our mission here. We have been sent here by the Government at Washington to purchase a portion of the northern part of your reservation. We read to you our instructions from Washington. [Instructions from Secretary of Interior read.] We come to you in good faith and honest purpose. It is not our intention to do anything but what is satisfactory to you, and will protect your rights as well as those of the Government. We, as commissioners, will treat you fairly. It is not our intention to go into details regarding this question until after we have visited the lands and know the price you fix upon them. You are not compelled to sell.

I learned before I left Washington of the failure of Congress to ratify the treaty made with you two years ago for your outside lands; I am satisfied that it will be ratified by the next Congress. The reason of its not being ratified before was want of time. To make this treaty in all its force and vitality, we will insert a clause to the effect that unless the other treaty (of 1887) is ratified, this shall become null and void.

I wish to speak to you now regarding the money due you from the railroad company for right of way through your reservation. Your agent, Mr. Cole, has received instructions and authority to pay it at once. [Instructions to Agent Cole read.]

SALTISE (head chief). Your talk pleases me, and I am pleased in the talk from Washington. You have come; I know it now; all my Indians and I understood you were to come. I wish to tell you my last will – the treaty of

1887. We built a strong, high fence with the Government; we built it round so the ends nearly met. We done our part, but the gap that was left has never been finished by the Government at Washington. Now, you three friends and headmen must close up that gap. I am afraid, my friends, of that treaty. I am doubtful. If I was not doubtful there would not be hard work of this. That treaty is a wall we can not see through. When it is down we can see through and talk.

General SIMPSON. What you say is good sense. I regret that it has not been done, but it is no fault of the Government; the reason it has not been ratified is, because they have had no time to reach it. The treaty has been, indorsed by the President and Secretary of the Interior, and will be ratified this winter. The treaty we make now will be null and void unless the other treaty is ratified; both treaties can be ratified at the same time; the same Congress that is to ratify that treaty sent us here to negotiate this treaty with you, and it would be a great folly and child's-play to do so if they did not intend to ratify the other treaty of two years ago.

SALTISE. We are Indians and need your sympathy and advice. We can neither read nor write and can not understand like you, but we are thankful for what you have done. What we talk about will be all right if you sanction what I say. Do not be tired or wearied. We would like for you to have a paper and we want a paper, too. After this you may speak what you want and after you are through I will talk again.

General SIMPSON. I understand what you say. We will not get weary. We want to deal justly and right with you.

We will go and examine the land and locate it, then make a paper and agree together. You can have a friend or legal gentleman look over the agreement and see if it is all right; we intend to treat you fairly, and will do nothing but what is just between man and man.

SALTISE. After you go and look over the land and come back we will talk about trading, but do not see how we can trade here, or without sanction of the President. We would like to have some one in Washington to look after the matter.

General SIMPSON. After the agreement is made we are willing and will try to arrange so you can go to Washington and look after this business yourself. We do not wish to do anything but what is right.

SALTISE. I think it is better for you to go and see the land and put a price on it; then we can talk better about it.

The tribe then selected one of their number to accompany the commission as guide. A subchief by the name of Luke was chosen.

Council then adjourned to meet again after the land had been examined.

Second council.

DE SMET MISSION, *August* 27, 1889.

Present: Commissioners General Ben. Simpson, J. H. Shupe, and N. B. Humphrey, chiefs and headmen of the tribe of Coeur d'Alene Indians, and their interpreter.

General SIMPSON said: My friends, I am glad to see so many of you present to-day. We have been over and looked at the land spoken of at our last meeting. We desired to make a careful personal inspection of the northern portion of your reservation – the portion we desired to purchase of you – so that no injustice would be done you. Our object was to select the land that is of no benefit to you, but which may be of some use to the whites. Our instructions from Washington were to examine the timber and mineral lands that would be of no advantage to you.

The time is come when you, like the whites, should depend upon the cultivation of the soil. You have progressed astonishingly. When we look on your broad acres now in cultivation we are astonished and gratified. We know that the cultivation of the soil is the very foundation of civilization, prosperity, and wealth. We are children of one great Father – God: the only difference is, your skin is red and ours is white. Your Great Father at Washington, the President, is our father, too; his object is to treat all justly, and it is now thought that there is a portion of your reservation that is of no use to you, but may be to the whites: therefore we have been sent here to purchase that portion of you and pay you a reasonable price for it. As agents of the Government we buy it just like buying a horse – we look at the horse and try him, and make up our minds what he is worth to us; if you were buying you would ask the owner what he would take for him, and put him down to the lowest price in dollars and cents. The price the Government sells farming land for its $1.25 per acre. Mining land is a different thing: the Government does not sell it, but allows parties

to go onto the land and develop the mines. I want you to understand this matter just as it it [sic]. The timber lands, when sold as such, bring $2.50 per acre.

We inspected the land we expected to buy of you, and we found a portion of it mountainous and broken, with very poor timber: some parts of the country contain fairly good timber. We found some prospects of gold and silver, but are not prepared to say what their value is until developed. I will not talk any more until after we have heard what you have to say.

SALTISE. The chief talks nice; I like the way he talks. You are white, and I am only an Indian. Two years ago three commissioners came here and made a treaty with us. After we get through with that treaty we will talk of an agreement about the mineral land. Just as you said of a man who wants to buy a horse of another man, and the owner asks $25 for the horse, and the man wants to pay only $20; they can't agree; and it is just so with us.

General SIMPSON. I am very glad to hear the high chief of the Coeur d'Alene talk with so much sense and reason; am pleased with his talk; he is right in regard to buying a horse; of course if we are not willing to pay a man what he asks for his horse, then there is no trade. In regard to what you say about the former treaty, I desire to say this: If we make a treaty with you now, we will make it entirely dependent on the ratification of the former treaty; the head chief can have a copy of the agreement and treaty, and go to Washington to see that all is fulfilled and the treaty is ratified as agreed upon.

SALTISE. What was done by the last commission is like cooking a dinner, then setting it to one side to wait; you

do not cook a dinner and lay it aside, then cook another dinner before you have eaten the first; it is that way with these treaties.

General SIMPSON. I want to say this in regard to that former treaty: As I said before, the object of making this treaty now is that we are here and have spent a good deal of money already, and we want to make this treaty now, so when the other treaty is taken up this can be acted upon at the same time. The treaty of two years ago has not been ratified for want of time; there is no objection to it, and it will be ratified when Congress meets.

SALTISE. Congress is a great body, and has much power; it has a great deal to do. We don't amount to any more with them than a lot of coyotes, and anything we do they do not care about. We are honest, and we think you are.

General SIMPSON. The other treaty is half ratified now; the President and Secretary of the Interior have indorsed it, and Congress will take it up when it meets and finish it.

SALTISE. Don't let this be discouraging to you, what we say about these timber and mineral lands at this time.

General SIMPSON. When we talked before we proposed that, unless the other treaty was ratified, this would be null and void. We have looked at the land, and would like to know now what you will take for it, if the other treaty is ratified.

SALTISE. Where will you make the lines?

General SIMPSON. We fixed a line, as was shown you on the map; it is just as Mr. Liberty explained it to you.

You understand that the lake belongs to you as well as to the whites – to all, every one who wants to travel on it.

SALTISE. That is your idea about the boundary. You know we do not understand papers; in taking it that way we will not know the boundaries.

General SIMPSON. You all know where the St. Joseph River is. We do not want any of that. I will explain the boundaries: Commencing at the northeast corner of the Coeur d'Alene Reservation, thence along the northern boundary line of the reservation to the northwest corner; thence south along the division line between Washington and Idaho Territories to a point 12 miles south of the said northwest corner; thence due east to the west margin of the Coeur d'Alene Lake; thence southerly along the west shore of said lake to a point due west of the point at the mouth of the Coeur d'Alene River; thence due east across said lake to said point; thence southerly along the east shore of said lake to a point 1 mile north of the St. Joseph River: thence on a parallel line with the north bank of said St. Joseph River, 1 mile distant from said bank, to the east line of the said reservation; thence northerly along the east line of said reservation to the place of beginning.

Now, if we buy this land you still have the St. Joseph River and the lower part of the lake and all the meadow and agricultural land along the St. Joseph River.

SALTISE. I do not quite like those boundaries; you are a chief and have directed your boundaries; now, if you ask us where we want to sell, we could talk.

General SIMPSON. That is right and appropriate. Perhaps you had better talk this over with your people, and we can talk again to-morrow.

SALTISE. The Indians don't like that; their ideas are bent; their minds are made up; there is one great dissatisfaction; it is this: We had a great talk about that other treaty, and I think we had better have that other treaty settled before we make this.

General SIMPSON. We wanted you people to understand about this matter, and I want to tell you now that this new treaty will help the ratification of the other treaty. I would not tell you a lie under any consideration. You understand, this land is not bought unless the other treaty is ratified. You can appoint the time when we will meet again. In the mean time you can all talk the matter over.

SALTISE. It is nearly as much as if they had consented, but they have not hardly made up their minds.

I will appoint Saturday, August 31, the day for the next meeting.

Council then adjourned.

Third council.

DE SMET MISSION, *August* 31, 1889.

Council met pursuant to adjournment. Present, Commissioners General Benjamin Simpson, J. H. Shupe, W. B. Humphrey, chiefs and headmen of the tribe of Coeur d'Alene Indians and their interpreter.

General SIMPSON said: We have met again, pursuant to adjournment. We are glad to meet the representative men. We now want to hear from you in regard to the land we have proposed to purchase.

SALTISE. We met and there was two kinds of talk; one was strong and one was weak. We come to-day to talk about the two understandings, yours and ours. I, mean as an Indian, like my land; am very anxious to have land; I do not care about money. You three gentlemen came to-day to have an understanding about part of our land. My heart has been troubled for three or four days, but now it is all right, because I know this land is my property.

First and all, a long time ago there was an officer with long whiskers came and told us this was our land. Then came General Watkins, and he said for us to hold our land; General Howard said the same thing. Then President Grant, the head of the nation, ratified all the others had done in giving us this land. Two years ago a commission of three appointed by the President came, and we had a long talk; they wanted to treat for land they said was ours; we said it did not matter and would leave it to their generosity; that as this other was settled by the whites they could have it, but we wanted the land of our present reservation, provided we were to hold it forever, as had been promised. They seemed well satisfied, and said they would make a tie to our land that would never be untied, and to-day I think this is still my mind as when we treated with them. We are willing to let some go now – that which lays along the northern boundary of our reservation, and from eastern boundary of Coeur d'Alene River, and western boundary of Coeur d'Alene Lake, and south to mouth of Coeur d'Alene River. We are willing to

relinquish this regardless of the three other commissioners. Here you have plenty of timber, plenty of mineral, and plenty of grass; I am willing to relinquish all this. I understand well this takes in all of the Wolf Lodge country.

General SIMPSON. We want to buy that which you want to sell. The other business was all right. Has the chief said all he wants to say now?

SALTISE. There are five or six Indians who have claims on that land, and I want you to settle with them.

Commissioner SHUPE. We can not treat with any of you as individuals; all our business must be done with your people as a tribe.

General SIMPSON. I want to say that in our instructions as commissioners we were instructed to purchase from the Indians lands for their timber and mineral. I am glad to find that the chief is willing to do what he thinks is right. I think he talks honorably. The only difficulty is the land he wants to sell does not cover that which we wish to purchase. We, as commissioners, have talked this question over and are all of the same mind and are desirous of having the Indians look to their own interests. We will look after your interests as well as those of the Government. We stand between. Of course the more land you let us have the more money you will get.

SALTISE. My dear friends, if our object was money you would be correct, but money is no object; our land we wish to keep.

General SIMPSON. That would be all right if you had a surplus of money, but if you did not have, and had a

surplus of horses or cattle or land, you dispose of the surplus and get money to educate your children and buy machinery to cultivate the land you have left.

SALTINE. You say we have a great deal of land. If we wanted to let it go for money we would say, take more, but we do not care for money; it is land we want. When that other treaty is ratified we will then have land to sell.

(Recess for fifteen minutes.)

General SIMPSON. Well, gentlemen, we have talked the matter over as commissioners, and we would like to know now more particularly about the boundaries on the water lines; it is not what we expected to get, but still we will take this with this understanding: There are some who have claims on these lands and you will settle with them.

SALTISE. We can not sell the land of the Indians who live near the old mission. You had better see them and fix the matter, so they will not get angry and object to the treaty.

General SIMPSON. What will you take for the land and pay those men what they will ask?

SALTISE. We can not put a price, as we do not know the number of acres.

General SIMPSON. We can take the map and make out an estimate.

Commissioner SHUPE. What we do here must be signed by us all, the same as the other treaty.

Commissioner HUMPHREY. We want to know the amount you ask, so it can be put in the agreement.

SALTISE. We do not know how much there is in that piece of land.

General SIMPSON. As far as the mines are concerned we do not know what they amount to; the best prospects are on the Coeur d'Alene and St. Joseph Rivers, but it will be hard to tell about them. The timber is not so good as below the Coeur d'Alene River and the west side of the lake.

SALTISE. There is lots of good timber there that you have not seen.

General SIMPSON. I guess there is some good timber on part of the land. The other two commissioners have agreed upon a price. I am willing to accept their figures. They make an offer of $150,000.

SALTISE. You can write out an agreement and then we will talk about the price; you asked us to set a price, and we have said.

Commissioner HUMPHREY. Any agricultural land there is in this body the Government gets $1.25 per acre for, and the mineral land is not sold at all; those who wish can go and take it up.

SALTISE. The mind of my people is $5 per acre.

Commissioner SHUPE. We expect to pay you well for what we get. The money we would pay you would be of great benefit to you, now that you have progressed so far, in fitting up your farms and buying good stock and machinery. The agricultural land will be taken up as homesteads; the Government gets nothing for that, and the mineral land is also taken up without any pay to the Government.

General SIMPSON. We can not pay $5 per acre, for Congress would not ratify it; neither would they allow an insignificant amount that would be an injustice to you. I think if you will consider for a day or so you can come to a fair conclusion.

SALTISE. I prefer to have it finished to-day; we are under expense and busy with our crops, so we wish to finish it to-day.

General SIMPSON. We will make the sum total $250,000, which, with what the Government now owes you, would make $400,000, if ratified.

Now, friends, we have had a good deal of talk, and we think we have offered you all your property is worth, every dollar, and as your best friends we think you had better accept the offer and have that money to use. When we get through we have our report to Washington to make; then we are no longer commissioners. We would be very glad if we could come to an understanding, as it would be much better for you and please them at Washington. What we have offered you amounts to $5 per acre for the land that amounts to anything, and will amount to $2.50 for all, both good and bad. Fifty thousand acres will cover all the valuable land, both timber and mineral: that would be $2.50 per acre. Then, when this is done, there will be no more trouble with people prospecting for mines in that part of the country, and the mines you will have left will be three times more valuable than these. There is another thing we wish to say in conclusion. If you accept of our proposition and the business is all done, you can go to Washington and see that these treaties are ratified and the money paid. I am done.

SALTISE. You know it is against our wishes to sell any land, but you wanted to buy. We did not care for the land on the west by Spokane. I think it is worth what we ask. We offered that and you think it is too much. When you make your report to Washington let them say whether it is too much.

Commissioner SHUPE. Another thing the chief does not seem to understand is this: We are sent to inspect and place a value on the land. The people at Washington do not know what this land is worth, and for that reason we have been appointed as a commission to come here, examine the land, and to offer you a fair and reasonable price for it. While we do this as a commission sent from Washington, and in their interests, we are also expected to guard your rights and interests as well. We come here as friends to both parties and to treat fairly with both. We have examined the land and think our offer is fair and just.

SALTISE. I know you have been sent by Washington. I respect you for it. We would have been let alone if it had not been for outsiders; they have been the cause of sending you as a commission to buy this land. Now you see the way it stands. Of course the land is not all good, but some of it is, and mines are cheap at $5 per acre.

Commissioner HUMPHREY. We do not, neither does any one else, know whether these mines are of any account or not.

General SIMPSON. We prospected some and found a few specimens of silver and gold.

SALTISE. You make your report at $5 per acre and I think they will say it is all right.

After an informal talk regarding the price of the land and of conferring with the Secretary of the Interior by telegraph, the council adjourned.

Fourth council.

DE SMET MISSION, *September* 8, 1889.

Council met by special arrangement. Present: Commissioners General Ben. Simpson, J. H. Shupe, and H. B. Humphrey; chiefs, headmen, and male adults of the Coeur d'Alene tribe of Indians, and their interpreter.

General SIMPSON said: Well, my friends, I am glad to meet you again. It is some time since we met. We have come to-day to hear what you have to say regarding the purchase of those lands. We will soon be compelled to leave you and go to Washington, and would be glad now to hear just what you have to say.

PIERRE WILDSHOW (second chief). I am glad that you have asked my mind. What you want of my reserve I won't refuse. When you told me what you wanted to take I did not refuse, and if you want, you can have half and let us keep half. And if you want, you can have some of the agricultural land, good for farming; then there will be no trouble between us and the whites. The young Indians want to make the Coeur d'Alene River the line and from Spokane bridge down to Rockford, giving the two big mountains. I tell you this to make your hearts good and the Indians' hearts good. No white men have told us to say this; we, as Indians, say it ourselves. I am done.

General SIMPSON. We understand you to mean on the west side – this side of the lake, down to Rockford from Spokane bridge, and along the northern boundary. I want you to extend this line from the mouth of the Coeur d'Alene River due east to the boundary of the reservation. You can speak now among yourselves and understand the line, and if satisfactory I think we can make an arrangement.

PIERRE WILDSHOW. I tell you now, make the line where you said; if you had made the line where I said there would be no objections. Since you wish to make the line where you have proposed this last time it will give us a little more land.

Are you sure now that they will ratify that former treaty that was made? That is all we want now, the ratification of the former treaty.

There are two old men living at the old mission. They don't know about what we are talking of this matter. We want extra pay for them, as they have land fenced. There are four men living near Spokane bridge who have farms; also along the Coeur d'Alene River there are men who have improved places, but do not live on them now: they want extra pay for those improvements. And near Fort Sherman an Indian has fenced a hay farm from which he sells hay every year; he also wants extra pay. That is all I have to say.

General SIMPSON. You ask if the former treaty will be ratified. I will say, yes, it will be ratified. We will have a clause in this agreement that if not ratified this is no good and is null and void.

And now we will say what we propose to do if you will make the line as follows: Beginning at the northwest corner, running thence along the western line twelve miles south, thence due east to the Coeur d'Alene Lake, thence along the shore of said lake to a point due west from the mouth of the Coeur d'Alene River, thence due east to the line of the reservation, thence along the line to the northeast corner of the reservation, thence along the northern boundary to the place of beginning.

For this land we will give $500,000, the money to be paid when the treaty is ratified. That will make in all $650,000; $150,000 to be paid according to the provisions of that treaty, and $500,000 to be paid as soon as Congress ratifies this treaty.

We are giving more than we expected to pay when we came, but under our orders we are compelled to leave here very shortly and must conclude the matter. I am satisfied we are paying all the land is worth. If you agree to accept this offer you must settle the claims of Indians living on the lands sold among yourselves. We can not pay them in addition to the amount paid for the land. We can pay only the $500,000. We expect to report the papers to Washington soon and recommend they be considered as early as possible.

SALTISE. You pay that amount for the land that is not fenced. We want pay for that that is fenced. We did not know that it was from the sum we received from the railroad company that those who were damaged were to be paid.

General SIMPSON. We are willing to give you $500,000. It is more than the land is worth, but we give it so that

those men who should have more can be paid out of this amount.

SALTISE. From who will we get the $500,000?

General SIMPSON. From the Government; a man will be sent from Washington as soon as the treaty is ratified. I expect to go to Washington as soon as we are through, and will urge them to pay the money immediately after the treaty is ratified.

SALTISE. I do not want to talk much. I want those men who have farms to be paid extra and not from the $500,000. Put down about those six men holding claims on the land we propose to sell.

BAZIL (subchief). Did you not say when you came that Washington did not want you to buy farms?

General SIMPSON. Our instructions from Washington was to buy timber and mineral lands, and not farming land. We have placed the line above Rockford, so that we will not take any of those farms.

SALTISE. Give those six men living on this land sold a right to sell their farms to white men.

General SIMPSON. The Government will not allow us to do that.

SALTISE. If you had a farm and they would sell the land around it, would you give up your farm?

General SIMPSON. I do not want those men to give up their farms; they get pay for them from the $500,000.

SALTISE. We are going to give them their share of the $500,000, but want extra pay for their improvements.

General SIMPSON. We can not go over the $500,000. We will pay that and urge the Government to settle as soon as ratified.

SALTISE. It is not from you we want the pay.

General SIMPSON. We have offered you more than any other commissioners would pay.

SALTISE. Five hundred thousand dollars is a little sum: the ground is full of gold that is worth millions.

We are in a hurry to get through thrashing; can you come to-morrow and get those here at the mission to sign the agreement, and then go and see the ones who are out harvesting?

General SIMPSON. We will come to-morrow with the agreement and get all who can come here to sign, then go to those who are harvesting.

SALTISE. At the council yesterday I could not talk, as I was sick: I acted as though I was absent; I want you to understand it was just the same as cutting my left arm off; you talked so truthfully and acted so gentlemanly that it is fast healing up the sore, and now that the talk is over, I thank you in the name of my people for all the trouble we have caused you by detainment and otherwise. I hope now that you have all come to the same heart that you and the people at Washington will be as well satisfied and thankful as we are. I hope the Secretary of Interior and President will consider what we have said and not throw it to one side, for all I say is sincere and warm from my heart. We trade as strangers; but you must remember you are our friends, for you gave us these lands we love so well. We know that the country we have

given you is very rich in gold and silver, but we say you may have it; our hearts are satisfied, and we hope yours will be.

General SIMPSON. I want to say now in behalf of the commission that we are glad to hear the expressions of the chief of the Coeur d'Alene Indians. We look upon what he has said as emanating from a noble heart and a noble man. We hope and trust that the friendship that now exists may continue forever. We are glad that after several days' talk we have come together with one heart and one mind. All that the chief has said will go to Washington, and we shall certainly state in our report that the chief is worthy to be a great leader of his people, and we shall ask the Secretary of the Interior and President to read all he has said and consider it comes from a pure, good man.

Chief Saltise selected the following to go to Washington: Pierre Bartholomew, Regis, Pierre Wildshow, Stephen Liberty.

Commissioner HUMPHREY. Before we came we were strangers to you, but we had heard Saltise, chief Coeur d'Alene, spoken of by the officers in Washington as an honest man: since we have met you we know this to be true. You and your tribe and the fathers and the interpreter have treated us with great kindness. I am well satisfied that an Indian chief is greater in peace than in war. Your tribe have farms, grain, cattle, horses, peace, and homes. These are the fruits of peace. You have done your duty as the chief of your people.

Commissioner SHUPE. You have heard my brother commissioners talk, and we want you to understand that

we are all of one mind. We knew that you as Indians loved your lands, and know that you are sorry to part with them, but we feel that the best has been done for you and that you will agree with us, when this matter is all settled, that you, as a tribe, will be far better off by having done what you have than if you had kept your land. When the conditions of these agreements are settled you will still have plenty of land left for farming and pasture, and the money that you will receive will enable you to improve your farms, and give you a community that will be far wealthier than your neighbors, the whites. Like your chief, we hope that the friendship now formed will never be forgotten, and that we may all some day be able to visit you again as friends.

Agreement.

This agreement, made pursuant to an item of an act of Congress, namely: Section 4 of the Indian appropriation act, approved March 2, 1889 (25 Stat. 1002), by Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, duly appointed commissioners on the part of the United States, parties of the first part, and the Coeur d'Alene tribe of Indians, now residing on the Coeur d'Alene Reservation, in the Territory of Idaho, by their chiefs, headmen, and other male adults whose names are hereunto subscribed, parties of the second part, witnesseth:

ARTICLE 1.

For the consideration hereinafter named, the said Coeur d'Alene Indians hereby cede, grant, relinquish,

and quitclaim to the United States, all the right, title, and claim which they now have, or ever had, to the following described portion of their reservation, to wit: Beginning at the northeast corner of the said reservation, thence running along the north boundary line north 67° 29' west to the head of the Spokane River; thence down the Spokane River to the northwest boundary corner of the said reservation: thence south along the Washington Territory line twelve miles: thence due east to the west shore of the Coeur d'Alene Lake; thence southerly along the west shore of said lake to a point due west of the mouth of the Coeur d'Alene River where it empties into the said lake; thence in a due east line until it intersects with the eastern boundary line of the said reservation: thence northerly along the said east boundary line to the place of beginning.

ARTICLE 2.

And it is further agreed, in consideration of the above, that the United States will pay to the said Coeur d'Alene tribe of Indians the sum of $500,000, the same to be paid to the said Coeur d'Alene tribe of Indians upon the completion of all the provisions of this agreement.

ARTICLE 3.

It is further agreed that the payment of money aforesaid shall be made to the said tribe of Indians pro rata or share and share alike for each and every member of the said tribe as recognized by said tribe now living on said reservation.

ARTICLE 4.

It is further agreed and understood that this agreement shall not be binding on either party until the former agreement now existing between the United States by the duly-appointed commissioners and the said Coeur d'Alene tribe of Indians, bearing date of March 26, 1887, shall be duly ratified by Congress; and in the event of the ratification of the aforesaid agreement of March 26, 1887, then this agreement to be and remain in full force and effect but not binding on either party until ratified by Congress. In witness whereof the said Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, on the part of the United States, and the chiefs, head-men and other adult male Indians, on the part of the Indians, parties hereto, have hereunto set their hands and affixed their seals.

Done at the De Smet Mission, on the Coeur d'Alene reservation, in the Territory of Idaho, this the 9th day of September, in the year of our Lord one thousand eight hundred and eighty-nine.

BEN SIMPSON.
JOHN H. SHUPE.
NAPOLEON B. HUMPHREY.

Signed with an x mark and seal.

Witness:

S. E. LIBERTY.
L. BARTHOLOMEW.
M. S. MONTEITH.

Andrew Seltice, chief; Pierre Wheyilshoo, second chief; Selepsto Vincent, second chief; Regis, chief police; Etienne Nethen, Samuel, Conillius, Pierre Bartholomew,

third chief; Adrian, Moses Skaooell Joseph, Marcesella, Abram, S. Liberty, Nicodemus, Perre, Moiesse, Abraham, Satanislas, Zacharie, Andrew, Benjaoist, Joseph, Saiuta, Piose, Pierre, Thomas, Louies, Joe, Andrew, Samuel, Francois, Camma Shool, Charles, Benoist, Ignatz, Andrew Humerous, Leo Peion, Paul James Fenley, Barniby, William Mason, Saul Louis, Peion, Pierre Mullion, Samuel Sam, Simon Chemanans, Thomas Bacon, Alexander, Edmond Liberty, Ignats, Pierre Vansion, Timothy, Towado, Augustus, John Pevey, Adolph Butler, Jerry Butler, Alfred Butler, La Debauche, Chief Peter Bazel, Louis Stanflaus, Andresha, Louis Seebastion, Subastien, Louis Too Too, Leo Sucots, Paul Plotkan, Luke, Louis Mulcupee, Leo Amothacutso, Louis Bartholomew, Medore Boone, Louis Bazil, Leon, Baptist, Joseph, Louis, Prosper, Samuel, Andrew, Ignatz, Louis Grizzly, Camille, Barcissela Fort Chief, Fat Timothy, Reaching Patrick, Curly Paul, Ignatz Paul, Alixes, Peirre Louis, Stanisla, Peael, Joseph, Growing Tree Pierre, Louis Victor, Spokane Ignatz, William Smoke, Anastus, Daniel Quinamost, Pén 'Dorielle Paul, Hog Timothy, Old Mission Edward Chief, Too Too, Gabriel Too Too, Joseph Newell, Peirre Anasta, Broken Leg Louis, Francis, Michael Bartholomew, Half-a-Year, Young Man Charles, Adrian, Charles Agustus, Ena Moses, Cassime, Old Man Charles, Peirre Charpa, Bonametse, Pat Pilishiu, Carmelle, Bazille, Benoir, Joshua, Ocotaba, Sticha, Lolo, Louis Sequenta, Layo Tumpklin, Paul Selmustushu, Old Man Neyus, Holamage, Loto See, Pierre Joseph, Gasper Barrano, Louis Melkepsie, Arriph, Louis Arriph, Sebastian Quillak, Louis Totoniha, Leon Schatoux, Louis Tilpialima, Philip, Leo Amouthasout, Paul Atchina, Antoine Soanutap, Patrick Nixon.

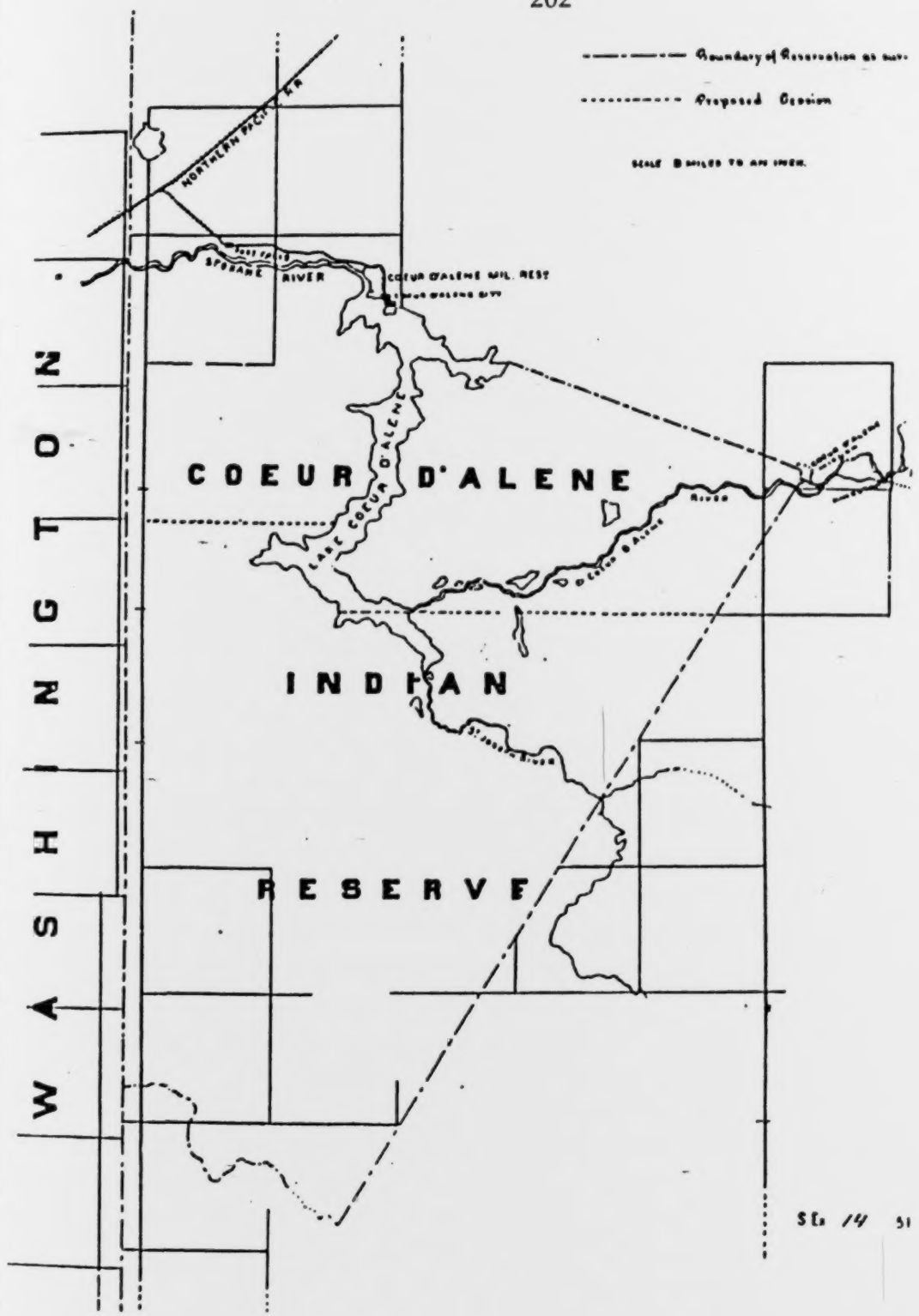
I, Stephen E. Liberty, United States Interpreter for the Coeur d'Alene Agency, Idaho Territory, do hereby certify on honor that the foregoing agreement was carefully read and by me correctly interpreted, and that the contents thereof were fully explained to and fully understood by said Indians before the signing and sealing of the same.

STEPHEN E. LIBERTY

Witness:

LOUIS BARTHOLOMEW.

M. S. MONTEITH.


Boundary of Reservation as now
Proposed Cession
SCALE 8 MILES TO AN INCH.
NORTHERN PACIFIC R.R.
SPOKANE RIVER
COEUR D'ALENE MIL. REST
COEUR D'ALENE CITY
LAKE COEUR D'ALENE
COEUR D'ALENE
RIVER
INDIAN
RESERVE
WASHINGTON
Sec. 14 51

COEUR D'ALENE INDIAN RESERVATION.

House Ex. Doc. No. 63, Fiftieth Congress, first session.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, with accompanying papers, relating to the reduction of Indian reservations.

JANUARY 9, 1888. – Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of 30th December, 1887, from the Secretary of the Interior, submitting, with accompanying papers, two additional reports from the Commission appointed to conduct negotiations with certain tribes and bands of Indians for reduction of reservations, etc., under the provisions of the act of May 15, 1886 (24 Stats., 44), providing therefor.

GROVER CLEVELAND.

EXECUTIVE MANSION,
January 9, 1888.

DEPARTMENT OF THE INTERIOR,
Washington, December 30, 1887.

The PRESIDENT:

Under the respective dates of January 11 and February 17, 1887, I had the honor to submit to you for transmittal to Congress two separate reports received by this Department through the Commissioner of Indian Affairs from the Commission commonly known as the Northwest Indian Commission, appointed under the provisions of the act of May 15, 1886, to negotiate with certain Indian tribes in Minnesota and the Northwest Territories (24 Stats., 44).

Those two reports, with their accompanying correspondence, which may be found in Senate Ex. Docs. No. 30 and No. 115, Forty-ninth Congress, second session, relate, the first to an agreement made with the Arickaree, Gros Ventre, and Mandan Indians residing upon the Fort Berthold Reservation in Dakota, and the other to two agreements made with certain of the Chippewa Indians in the State of Minnesota.

I now have the honor to submit herewith two additional reports made by the said commission, with the accompanying letter of the Commissioner of Indian Affairs forwarding them to the Department, with five agreements made with various tribes and bands of Indians in the Northwest, viz: The Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians upon the reservation commonly known as the Great Blackfeet Reservation in northern Montana; the Upper and Middle bands of Spokane Indians; the Coeur d'Alene Indians; the Pend

d'Oreille or Calispel Indians; the Indians upon the Jocko Reservation in Montana.

The Commission report that they visited the Bois Forte and Grand Portage Reservations in Minnesota and held council with the bands thereon, but failed to secure their acceptance of or consent to the agreements made with the other Chippewas on September 7, 1886.

The five agreements now presented, together with the three heretofore reported, complete the work of negotiation so far as it could be accomplished by the Department with the tribes and bands of Indians for which provision was made in the act of May 15, 1886.

The Commissioner of Indian Affairs in his report, herewith, reviews at some length the provisions of each of the accompanying agreements, which may be briefly though very generally summarized, as follows:

The agreement with the Indians in northern Montana provides for the cession to the United States of over 17,500,000 acres of the large reservation now occupied by them, estimated to contain 21,651,000 acres, for a consideration of $4,500,000, to be expended for the benefit of the Indians in manner therein provided, in ten annual installments, so far as may be required; any excess above such requirements to be placed in the Treasury to their credit, etc. The unceded portion of the reservation to be divided into three separate reservations, whose boundaries are given, for the Indians belonging to the three agencies located therein.

The Upper and Middle bands of Spokane Indians, in the agreement with them, relinquish to the United States

any right, title, and claim which they now have or ever had to any and all lands lying outside of the Indian reservations in Idaho and Washington Territories, and agree to remove to the Coeur d'Alene Reservation in Idaho, except such as prefer to go to the Jocko Reservation, in Montana, the consideration being $95,000, to be expended for their benefit in manner as specified in the agreement.

The Coeur d'Alene Indians, in the agreement made with them, relinquish to the United States, for the consideration of $150,000, to be expended for their benefit, etc., all right, title, and interest they now have or ever possessed to and in any lands outside the limits of their present reservation in the Territory of Idaho; they also agree to the removal to and settlement upon their reservation of the Upper and Middle bands of Spokane Indians, the Calispels (Pend d'Oreilles) now residing in the Calispel Valley, and to any other bands of non-reservation Indians belonging to the Colville Agency, Washington Territory, etc.

The Pend d'Oreille or Calispel Indians, in agreement made with them, relinquish all right, title, and claim they have or ever had to lands in Idaho or Washington Territories or elsewhere, and agree to remove to and settle upon the Jocko (Flathead) Reservation, in Montana, except such as may prefer to go to the Colville Reservation, in Washington Territory, or to the Coeur d'Alene Reservation, in Idaho Territory; the consideration being the erection of saw and grist mill, building houses for Indians, clearing and breaking lands, etc.

The Indians on the Jocko (Flathead) Reservation, in the agreement with them, consent to the removal to and settlement upon their reservation of the Upper and Middle Spokanes and Pend d'Oreilles; the consideration being the erection on the reservation for the Indians, by the United States, of a saw and grist mill, and providing a blacksmith and tools, etc.

The law under which these negotiations have been conducted provides that "no agreement shall take effect until ratified by congress."

The Commissioner of Indian Affairs in his report herewith expresses the opinion that these agreements are just and favorable alike to the Government and to the Indians. He recommends their speedy ratification, and submits estimates of the various amounts required to be appropriated at this time by Congress to carry out the terms of the negotiations, which will be found on the concluding pages of his report.

By these negotiations a very large area of land now in state of reservation for Indian purposes, being the excess of quantity needed for the actual use of the tribes and bands for whom it has been held in reservation, is placed at the disposal of the United States so that it may be opened to settlement in such manner as Congress in its wisdom may direct; and further, the adjustment of claims asserted by Indians to large portions of land in Washington and Idaho Territories, now largely occupied by settlers, is provided for. When these negotiations shall have been fully ratified they will remove some serious hindrances to the contentment, the permanent settlement, and the more rapid advancement in civilization of the

tribes and bands who are parties thereto. The money necessary to be appropriated for their support and to assist them forward in the ways of civilization will not be, as heretofore, so largely a gratuity from the Government, but will go to them by judicious expenditures as consideration for valuable rights and claims which they have ceded and relinquished to the Government.

For these and other like reasons I concur in the recommendation of the Commissioner that the agreements be speedily ratified.

I have the honor to be, very respectfully, your obedient servant,

L.Q.C. LAMAR,
Secretary

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 13, 1887.

SIR: Referring to office reports, dated January 8 and February 11, 1887, respectively, transmitting two separate reports of the Northwest Indian Commission and accompanying agreements made with the Arickaree, Gros Ventre, and Mandan tribes of Indians occupying the Fort Berthold Reservation, in Dakota, and the Chippewa Indians in Minnesota, which reports, agreements, and accompanying papers form the subject-matter of Senate Ex. Docs. No. 30 and 115, respectively, Forty-ninth Congress, second session, I now have the honor to transmit here with duplicate copies of two additional reports of said Commission and accompanying agreements (five in all) made with the several tribes in northern Montana,

occupying the Gros Ventre, Piegan, Blood, Blackfeet, and Crow River Reservation, commonly known as the Great Blackfeet Reservation, and the Upper and Middle bands of Spokane Indians, the Pend d'Oreilles, or Calispels, and the Coeur d'Alenes in Idaho, and the Flathead, Pend d'Oreille and Kootenai Indians of the Flathead Reservation in Montana. These reports are dated, respectively, February 11 and June 29, 1887.

* * *

The authority under which these several agreements were negotiated is found in the Indian appropriation act, approved May 15, 1886 ([illegible] Stats., p. 44), which reads as follows:

To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians in the State of Minnesota for such modification of existing treaties with said Indians and such change of their reservations as may be deemed desirable by said Indians and the Secretary of the Interior, and as to what sum shall be a just and equitable liquidation of all claims which any of said tribes now have upon the Government; and also to enable said Secretary to negotiate with the various bands or tribes of Indians in northern Montana and at Fort Berthold, in Dakota, for a reduction of their respective reservations, or for removal therefrom to other reservations; and also to enable said Secretary to negotiate with the Upper and Middle bands of Spokane Indians and Pend d'Oreille Indians, in Washington and Idaho Territories, for their removal to the Colville, Jocko, or Coeur d'Alene Reservations, with the consent of the Indians on said reservations; and also to enable said Secretary to negotiate with the Coeur d'Alene Indians for the cession of their lands outside the limits of the present Coeur d'Alene Reservation to the United States, $15,000, or so

much thereof as may be necessary, to be immediately available; but no agreement shall take effect till ratified by Congress.

* * *

AGREEMENT WITH THE COEUR D'ALENE INDIANS.

These Indians also lay claim to a large tract of country in Washington, Idaho, and Montana Territories, by right of original occupancy, and, as we have seen, the act authorized negotiations with them "for the cession of their lands outside the limits of the present Coeur d'Alene Reservation to the United States."

By the terms of the agreement made with them, the Indians cede and relinquish to the United States all right, title, and interest they now have or ever possessed in any lands outside the limits of their present reservation.

They also agree to the removal and settlement upon their reservation of the Upper and Middle bands of Spokane Indians, upon the terms and conditions agreed upon with said Spokane Indians, and also to the removal and settlement there of the Calispels (Pend d'Oreilles) now residing in the Calispel Valley, and any other band of non-reservation Indians belonging to the Colville Agency, upon terms agreed upon with any such bands.

In consideration of the foregoing, it was agreed that the Coeur d'Alene Reservation shall be forever held as Indian lands, for the home of the Coeur d'Alene and other bands settled there under said agreements, and that it shall never be sold or otherwise disposed of without their consent.

It is further agreed that the United States shall expend the sum of $150,000 for the benefit of the Coeur d'Alene Indians: $30,000 the first year and $8,000 per annum for fifteen years thereafter, in providing them with a steam saw and grist mill, in the employment of an engineer and miller, and in the purchase of such useful articles as shall best promote their civilization, education, and comfort, and, under certain stipulated conditions, cash payments may be made to them. In addition to this, it is agreed that the United States shall employ, at its own expense, a competent physician, blacksmith, and carpenter, and supply medicines for said Coeur d'Alene Indians.

There are some other provisions intended to protect the morals and improve the condition of said Indians, but the foregoing are the principal features of the agreement.

The Commissioners give an interesting account of the Coeur d'Alene Indians, and commend them in the highest terms for industry, thrift, and sobriety. They speak of them as polite in a marked degree and exceedingly good-natured. They wear short hair, dress like the whites, and emulate them in everything save their vices. They live in comfortable houses, many of them having two – one on the farm and another in the village – cultivate the soil extensively, are loyal to the Government, respectful of the laws, devoted to their religion, and in short a better ordered or behaved community of Indians can nowhere be found. Such is the testimony of the Commissioners.

* * *

The agreements with the Upper and Middle bands of Spokane Indians and the Pend d'Oreille Indians provide for their removal and settlement upon the Coeur D'Alene and Jocko Reservations, and for the settlement of claims against the Government on account of lands taken from them in times past without compensation. The severalty act could not accomplish these much-desired objects, nor could it be substituted for other beneficent provisions found in said agreements with the Coeur d'Alene and Flathead (Jocko Reservation) Indians. The former provides for the settlement of a land claim similar to those of the Spokanes and Pend d'Oreilles; and also makes provision for the settlement of the Spokanes on the Coeur d'Alene Reservation, while the latter provides that the scattered Pend d'Oreille and other Indians may settle on the Jocko Reservation; objects greatly to be desired.

From all that has been said, then, it will be seen that the several agreements must stand upon their own merits, irrespective of the severalty act, whose provisions it will be my endeavor to carry out wherever practicable. To my mind the agreements are just and favorable alike to the Government and Indians. Millions of acres of land, equal to a great State, are made available to the white settler; long-standing and provoking claims against the Government are amicably adjusted; a very large number of Indians hitherto living in idleness, poverty, and vice – a standing menace to the peace of the country – are to be gathered upon existing reservations, and assisted in the paths of civilization and toward their final self-support; and I think if faithfully carried out the future of these Indians will be extremely hopeful.

I therefore have the honor to recommend their speedy ratification.

Should Congress be pleased to take such favorable action thereon, the following sums of money should at the same time be appropriated to carry the agreements in effect, viz:

NORTHERN MONTANA INDIANS.

First installments, as per Article III of the agreement with the Indians of the Great Blackfeet Reservation..... $430,000

NOTE. – Congress appropriated $235,000 for the support of these Indians, the current Fiscal year, *as an absolute gratuity.*

UPPER AND MIDDLE BANDS OF SPOKANE INDIANS.

First installment, as per Article V of the agreement with said Indians..... $30,000

Pay of blacksmith and carpenter, at $900 each, Article VI 1,800

Pay of six chiefs, at $100 each, Article IX..... 600

Total 32,400

COEUR D'ALENE INDIANS.

First installment, as provided in Article VI of agreement.....30,000

Pay of physician.....$1,200

Purchase of medicines 150

Pay of blacksmith 900

Pay of carpenter 900

3,150

Total 33,150

PEND D'OREILLE OR CALISPELS.

Article 1: Saw and grist mill $6,225

Dwelling houses (40) 6,000

Clearing, breaking, and fencing 1,500

Engineer, $720; miller, $720; carpenter, $900; blacksmith, $900 3,240

Cows, $3,200; horses, $10,000; wagons, $2,000; harnesses, $600; stoves and agricultural implements, $1,500; clothing, medicines, and seeds, $2,500; removal of Indians, $1,000; Article III, pay of chief, $100 20,900

Total 37,865

FLATHEADS AND OTHER INDIANS OF JOCKO RESERVATION.

Saw and grist mill $6,225

Pay of miller $720

Pay of blacksmith 900

1,620

Purchase of tools 500

Total 8,345

Very respectfully, your obedient servant,

J.D.C. ATKINS,
Commissioner.

* * *

REPORT OF NORTHWEST INDIAN COMMISSION.

Washington, D. C., June 29, 1887.

Hon. J. D. C. ATKINS,

Commissioner of Indian Affairs, Washington, D.C.:

SIR: We hereby beg leave to submit a report of our proceedings with the Upper and Middle bands of Spokanes, Coeur d'Alenes, Lower bands of Pend d'Oreilles or Calispels, Confederated bands of Flatheads, Pend d'Oreilles, and Kootenais, Chippewas of Bois Forte, and Grant Portage Indians, residing in the Territories of Washington, Idaho, and Montana, and the State of Minnesota. Whilst on the way returning from the Blackfeet Agency, in the Territory of Montana, wither the Commissioners – Wright, Daniels, and Larrabee – had been, in order to make negotiations with the Piegans, Bloods, and Blackfeet tribes, a full report of which has heretofore been submitted, we received instructions by telegraph, forwarded by mail, announcing that Major Larrabee had been recalled, and that Henry W. Andrews, of the State of New York, had been appointed to succeed him as Commissioner. On our arrival at Helena, in the Territory of Montana, after a short and necessary delay, in order to

give time to Messrs. Larrabee and Andrews to arrange and settle between themselves their accounts as disbursing agents of the Commission, we proceeded on our journey. We arrived at Helena about 9 o'clock at night, having traveled in open sleighs on that day a distance of about 60 miles.

On account of heavy snows on the mountains the trains were delayed, and we did not leave Helena until the morning of the 23d, at 3 o'clock.

Arriving at Spokane Falls, Washington Territory, by rail, on the night of February 23, we at once set about ascertaining the location and disposition of the Indians in that locality.

* * *

COEUR D'ALENE.

As soon as possible after concluding the agreement with the Upper and Middle bands of Spokanes, and settling the business incident to the council, we proceeded at once to the Coeur d'Alene Reservation in the Territory of Idaho.

We went from Spokane Falls to Belmont, the terminus of the Spokane and Palouse Railroad, at which point we were met by parties with wagons who conveyed us to the town of Farmington, in Washington Territory.

On the next morning we proceeded to the Coeur d'Alene Reservation, 12 miles distance. The day was bright, and we had a fine opportunity of seeing the country, which is the finest in the West. We were informed whilst on our way that the chief, with an escort,

would meet us and proceed with me to the De Smet Mission, where the council was to be convened. The firing of a salute announced that the chief was near. We soon discovered the chief with about forty mounted men, armed with Winchester rifles, which they fired as the Commissioners approached. The chief dismounted, advanced in front, and welcomed the Commission to the reservation. The party then moved on, the soldiers marching on either side of the road. At the village the entire male population and many women and children had assembled. The chief, in a neat address, received the Commissioners, to which the chairman made reply, which was greeted with loud applause. The whole body of Indians then filed in front of the Commission, each one shaking hands with them and saying some kind words.

The reservation is one of the best we have visited. The Indians have good productive farms, good houses, barns, gardens, horses, hogs, cattle, domestic fowls, wagons, agricultural implements of the latest pattern, and indeed everything usually found on flourishing farms. The Indians are industrious, thrifty, provident, and good traders, they wear their hair short, and dress in citizen's dress from head to foot. They are polite, good natured, and ambitious to excel, and to do in all things as white men do, except to adopt their vices.

There may be a few exceptions, but so far as not to excite comment. Each one has a comfortable house on his farm, and nearly all have equally comfortable houses at the Mission, which together make quite a village. They remain on their farms during the week days, and on the Sabbath they repair to their dwellings at the village to attend religious services and see their children, who are

at the Mission schools. Their land outside of the reservation, and much of it the best in that country, has been appropriated by the whites, and the Indians have never received a dollar.

They have been the friends of the white people in times of great trouble, and many owe their lives and property to the protection afforded them by these Indians against hostile tribes. As we were not to meet them in council, as they requested, until the next morning after our arrival, we were invited to visit their schools, which we did. Both school-houses are large, well constructed, and stylish in appearance. Inside they are neat, clean, and in every way suitable for schools. On entering the school room the boys arose and stood until we were seated. Paul Polatkin, a full-blood Indian boy of twelve years, stepped to the front and in a clear and distinct voice said:

"Honored Sirs: It is with feelings of great pleasure that I, in the name of my fellow-classmates, extend to you a cordial welcome to our school. We first thought that we would not have the pleasure of seeing you here, as it was rumored that you would call the chiefs to Spokane Falls, and there transact whatever business you had with them. We are glad you decided otherwise. It will give you a chance to see how our people live and support themselves.

"You will see at a glance that they 'earn their bread by the sweat of their brow,' as the land around here testifies. You will also see that here at school we are by no means idle, but try every day to add another grain of knowledge to our store. Hoping our exercises will please you, we welcome you to our school."

The exercises were of the most interesting and satisfactory character. The proficiency shown by these Indian children was as great as that of any school anywhere ever visited by the Commission.

At the close of the exercises Judge Wright thanked the boys for the cordial welcome they had given the Commissioners. He said he was delighted with their country. It was not only a beautiful country, but what was better, he saw that it was appreciated. He saw houses, farms, and other evidences of prosperity, which surprised him. His pleasure was greatly increased at seeing that Indian boys were the equals of the white boys in capacity to receive an education. He assured them that they had nothing to fear or to be ashamed of, and that if they continued in the path in which they were now walking they would reach a point where they would stand on equal ground with their white brethren, deserve and receive all the rights of American citizenship, and have opened to them all the avenues of fortune, fame, and happiness accorded the most favored people. In conclusion, he assured them that the Commissioners would do all in their power to protect the rights, advance the interests, and promote the prosperity of the Coeur d'Alenes.

The girls' school was then visited, and what has been said of the boys' school is equally applicable to this. On entering the school-room we were greeted with a song of welcome by the children and the music of the organ.

The voice of the Indian woman in singing is peculiarly beautiful and touching. There is a tone of gladness mingled with melancholy which is indescribable and can only be felt. This may be accounted for on the theory that

traditional accounts of the sufferings of that race and the centuries of wrongs endured have made so deep an impression that even the dawn of a better and brighter day can not entirely obliterate. Every sensitive heart must have been touched to the core when they all sung together, "Will we know each other there." When the singing ceased Mary Josette, aged twelve, a full-blood Coeur d'Alene, delivered this address:

"Respected Sirs: Allow me in the name of my dear little companions to offer you our glad greeting and to bid you a fond welcome to our happy convent home today. True, we are but simple little children of the forest, yet our young, untutored hearts have learned to love and revere the kind friends of our parents and tribe, and we trust that you too have come animated by that same worthy zeal which has distinguished so many of your predecessors – the future welfare of the Indians.

"Deeming that such is your motive, please accept our thanks for the deep interest you have manifested in our regard, and may God bless you and reward you an hundredfold for your noble and generous deeds and grant you a pleasant and prosperous journey to your far-distant homes."

One by one the classes were called and exercises given in spelling, reading, writing, geography, history, and arithmetic. Notwithstanding the native modesty and timidity of Indian girls in the presence of white strangers, they stood the test beyond any anticipation. They were not only ready in answers, but it was apparent to all that they thoroughly understood what they were doing and

saying. Some of them solved with apparent ease problems in arithmetic which would give trouble to many graduates of Eastern female schools.

At the conclusion of the address Judge Wright said that the Commissioners had visited the boys' school and were delighted with the progress there shown, but he believed that the girls, if possible, excelled the boys. He did not know whether to attribute this expression of opinion to the fact of his gallantry. He believed, however, that it was conceded that the girls advanced more rapidly at school than boys; certain he was that he had never seen a school in his own section of the country which for good order and proficiency in study excelled this one. Any American having a daughter at school showing such proficiency in study as you have shown might well feel proud of her. He said, I see that you are not all Indians; some of you are half, and a few the children of white parents. It is indeed a pleasing sight to witness the children of the white and red races mingling together in the same school – all marching in the same path, with the same hopes, the same aspirations, the same flag of red, white, and blue, the same country, and all striving to reach the same blue heaven above. You should be thankful to the great Creator, the Father of us all, that he has sent to you in this wilderness the holy Fathers, Mothers, and Sisters to lead you in the paths of virtue and happiness.

Some of you missed a word or two in spelling. Do not allow that to discourage you, for there were some words given you to spell that would have puzzled either one of the Commissioners. And, besides, I think you knew how to spell them, and failed because of the natural

timidity and modesty which is the glory of your sex. I had rather see a girl misspell an hundred words through modest embarrassment than see her spell a whole dictionary of words correctly, she lacking in that quality which so highly adorns woman and which renders her the object of our love and admiration.

In one of the selections read to us it is said "there are nights without a star and no days without a cloud." There have been times in the past when the Indian nights were without stars, and when the whole heavens above were dark with black and threatening clouds, but I feel glad to be able to say to you that it will be so no more. On this reservation the Indian problem will be solved at last. Here it is demonstrated that the Indians can work, and are willing to work and make a living for themselves, their wives, and their children, and that Indian children can stand side by side with the children of the Anglo-Saxons and compete with them in the race for knowledge and learning. The stars are beginning to appear in your heaven and the clouds are rolling by; even now the silver lining appears, and the glorious light of reason, science, and religion will ere long include your race in its broad scope and shed its benign rays on your humble homes.

At the appointed hour the Indians met us on the following morning; nearly the whole mail adult population were present. On the appearance of the Commissioners every Indian arose and stood uncovered until the Commissioners were seated.

Father Carnano was requested to open the deliberations with prayer.

The father stepped forward and every Indian dropped on his knees. A short and fervent prayer was offered, to which the Indians responded.

Judge Wright then addressed the Indians, fully informing them of the object of the visit. He gave them a vivid picture of the unhappy condition of their brethern the Spokanes, explaining to them the nature and terms of the agreement which the Spokane Indians had entered into to remove to the Coeur d'Alene Reservation. He also explained to them that their reservation was greatly desired by others, and how important it was that it should be occupied by Indians, and asked them to give their consent that the Spokanes and other scattered tribes should come on their reservation. He also spoke of the loss of their lands and its occupation by the white men; asked them to speak out freely on all these and any other questions of interest which might suggest itself to their minds.

Dr. Daniels addressed them. He said he had been engaged in transacting business with the Indians for many years. He assured them of the good wishes of the Government, and stated that the Commissioners would endeavor in an earnest way to advance their interests and make them prosperous and contented.

Chief Seltice arose and stated that what had been said made his heart glad; that he had waited anxiously for the coming of the Commissioners; that his people would listen attentively to any propositions which the Commissioners might be pleased to make and give them careful consideration; that his people would meet at night and talk together, and meet us again the next morning.

Judge Wright informed them that an agreement had been prepared, which would be read article by article, and fully interpreted and explained to them.

Before this was done Commissioner Andrews addressed the Indians in plain and earnest language, commending them for their industrious habits and friendly feeling toward the whites. He said he was surprised as well as delighted at the progress they were making, and predicted a bright and glorious future for them. At the conclusion of Commissioner Andrew's speech the Indians manifested their approval by their peculiar shout and clapping of hands. Chief Seltice in a few well-chosen words thanked, in the name of his people, the Commissioner for his words of encouragement and advice.

The agreement was then read to them by Commissioner Andrews, and each section carefully interpreted, to which the Indians gave marked evidence of approval.

Chief Seltice and his people manifested great concern about the future of their reservation. The clamor of the whites for the opening of the reservation had reached their ears and made their hearts heavy. The fact that all their land since this reservation had been taken from them without even the pretense of the asking, and the rapid increase of white settlers around them were calculated to arouse their fears. They had no treaty relations with the Government and had no assurances of its fostering care. The visit of the Commission, and more especially when it was known that its visit was of the most friendly character, filled their hearts with gratitude and

hope, which were manifested in their faces, their tone, and their expressions.

When assurances were given them that they would be protected by the Government in their homes and reservation their gratitude knew no bounds, and it is the sincere belief of the Commissioners that Chief Seltice and every able-bodied man of his tribe could be relied on in any emergency in the defense of the flag and the country with as much certainty as any community in the Union. This is strong language, but it is true. Whilst we cannot speak so confidently of the other tribes and bands visited by the Commissioners, we express the confident opinion that our visit and negotiations with other tribes have greatly strengthened their respect for and confidence in the Government.

On the next day the agreement was again read over and explained, when the chief who had been empowered to speak for the tribe announced that he and his people were ready to sign the agreement. Every man in the council followed, and over two-thirds of the male adults signed the agreement, and it was apparent that all would have done so had they been present.

The agreement was concluded at De Smet Mission, March 26, 1887. By its terms, for a consideration, the Indians cede, grant, relinquish, and quitclaim to the United States all right, title, and claim which they now have or ever had to all lands except that included within the boundaries of the present Coeur d'Alene Reservation.

The lands which they claimed, and held by occupancy, contained about 4,000,000 acres. They had the same title to it which other Indians had, that is, the fee in

the United States, and the occupancy, with all its incidental right, in the Indian. The right of the Indians to their occupancy is as sacred as that of the United States to the fee.

They had been despoiled of this right without compensation from any source. Our instructions clearly contemplate a settlement of the claim based on the loss of these lands, and we were referred to Senate Ex. Doc. No. 122, Forty-ninth Congress, first session, which we examined with great care and attention.

On page 9 of this document will be found the petition of the Coeur d'Alene Indians, addressed to the President of the United States, setting forth their claim and the boundaries of the land in question. This country, as the petition alleges, "is one of the most valuable in Washington Territory, dotted by numerous and valuable wheat farms, valuable forests of timber, saw-mills, gold, silver, and lead mines, the military post at Coeur d'Alene, and numerous thriving towns and villages. The Northern Pacific Railroad runs directly through it, and much of the land owned by that corporation was the land of these Indians.

The history of the failure of Governor Isaac J. Stevens in 1855 to meet and negotiate with these Indians is well known to the country.

At De Smit Mission we were furnished with the original agreement made and concluded on the 28th day of July, 1873, at Lutah or Hangman Creek, in the Territory of Idaho, by and between John P. C. Shanks, John B. Monterth, and T. W. Bennett, special commissioners on the part of the Government of the United States, and the

chiefs and headmen of the tribe of Coeur d'Alene Indians.

We had a copy of said agreement prepared and herewith submit the same as part of this report.

Reference is made to this paper and also to the fact that these Indians were recognized by the Government in 1855, as being entitled to consideration when Governor Stevens was constituted a commissioner to deal with certain northwestern tribes in order to show that their claim to compensation had been heretofore entertained. By reference to the copy of the agreement, it will be observed provision was made for a reservation for the Coeur d'Alenes out of a portion of these lands, and the tribe relinquished to the Government *all lands heretofore claimed by them lying and being outside of said described reservation.* The boundaries are then given in detail, and it will be found that they substantially agree with the boundaries given in the petition of the Indians.

As a consideration for the above cession it was agreed that they should be paid for improvements made on the lands lying in Washington Territory in case by survey of the line they were found to be in that Territory. In addition, the Government agreed to furnish the Indians with 10 wagons, (2-horse), 10 sets of harness, 5 sets plow harness, 50 plows, 10 pair American mares, 10 whip-saws, 10 cross-cutsaws, 2 mowers, 2 mowers and reapers combined, 1 set blacksmith's tools, 2 one-horse rakes, 20 harrows, 10 grain cradles, to construct one saw and grist mill, to build a school-house with apartments for males and females, one boarding and lodging house, one smith's shop, and in addition to all this the United

States agreed to fund in United States 4 per cent bonds the sum of $170,000, interest to be paid annually for the benefit of the Indians, with right on the part of the United States of paying the principal at any time after 20 days.

This agreement was formally signed by three commissioners and witnessed by R. B. Whitman and T. M. Cataldo, S. J., and by all the chiefs and headmen of the Coeur d'Alene tribe.

At the time we had no means of ascertaining whether this agreement was submitted to Congress for its ratification, as was provided for therein. It was of service, however, in aiding us to what amount of compensation should be given as consideration for the lost lands. The amount necessary to fulfill the stipulations of this unratified agreement is larger than that which your Commission agreed to give in this one.

The third article of our agreement gives the consent of the Coeur d'Alenes to the removal to their reservation of the Spokane Indians, in accordance with the terms provided in the agreement with the Spokanes and the fourth article, that the Calispels and any other non-reservation Indians may also be removed to that reservation.

The anxiety of the Indians about their reservation and their fears that it might in some way be taken away from them, their unexampled good conduct, their friendship for the neighboring whites, displayed on a late memorable occasion, their rapid advancement in self-support and civilization unaided by the Government, their willingness to allow their reservation to be filled up with Indians, the confidence they repose in the Government to settle their claim on its own terms, all conspired to cause

us to put in the fifth clause, which provides that their reservation shall be held forever as Indian land as homes for the Coeur d'Alenes and such other Indians as may be removed thereto, and that no part of the reservation shall ever be sold or occupied, open to white settlement, or otherwise disposed of without the consent of the Indians.

It may be said that this was unnecessary, inasmuch as no such thing would happen; but the loss of their former possessions and other causes had so excited their fears that it was concluded, in order to allay suspicion, and in as strong a manner as possible, bind the Government to that good faith which the Indian prizes so highly and which he thinks has been violated so frequently.

Article 6 provides that the sum of $150,000 shall be expended under the direction of the Secretary of the interior, as follows:

For the first year, $30,000; and for each succeeding year for fifteen years, $8,000.

These Indians had everything which [illegible] or wanted, or if not it was within their power to procure it, except a [illegible]. It was agreed that the construction of this should be the first item of the expenditure, the cost of this to come out of the $30,000, together with the pay of the engineer and miller. For the probable cost of the mill we beg leave to refer to our report as to the Spokane Indians. The balance of the money provided for is to be expended in such useful and necessary articles as shall best promote the progress, civilization, comfort, improvement, and education of the Coeur d'Alenes.

Article 7 deserves some comment and explanation. When it was ascertained that these Indians really needed and desired nothing in the way of clothing, food, agricultural implements, or school facilities it became a question with the Commission as to the method proper to be pursued in the payment of the amount in satisfaction of the claim. From information derived from the best and most reliable sources we learned that the police regulations were of the highest order, which results in excluding ardent spirits from the reservation; and that long experience in self-reliance and traffic with the neighboring whites had made them cautious, shrewd, and provident in the use of money. We learned that their trade in one town adjacent to the reservation amounted to about $25,000 yearly. We therefore conclude that justice requires us to recognize these qualities and facts and adapt our course to the advanced condition of the Indians. Hence it is provided in this article 7 that if it shall appear to the satisfaction of the Secretary of the Interior that in case the Indians need none of the money expended as provided in article 6, they being already provided with such things, and further, that they will judiciously use the money, the same may be paid to them in cash pro rata. It will cost the Government no more to pay in cash than in supplies, and, besides, the trouble will be much diminished.

All money not expended in any one year, according to the provisions of the agreement, is to be kept for the use of the tribe, and that the wishes and needs of the Indians are to be consulted when purchases are made for them.

In the employment of engineers, millers, mechanics, and laborers of every kind preference is to be given to

Indians qualified to perform the work, and all persons employed are required to teach the Indians these trades and vocations. We were assured that in a short time Indians on the reservation would be fully qualified to do all these things, and we considered this an important provision, tending to their rapid self-support.

It was further agreed that the United States would furnish a competent physician and medicines, a blacksmith, and a carpenter.

Article 12 makes provision as to marriages between Indian women and white men similar to that made by the Commission with the Chippewas of Minnesota.

This provision and the one allowing certain white men, four in number, who have married Indian women and who are now residing on the reservation, was embodied in the agreement at the special insistence and request of the tribe.

As to article 13, it is proper to state that this was also embodied at the earnest request of the entire tribe.

The fathers who went among these Indians at an early day found them a fierce, wild, and ignorant people in their aboriginal state, and have, by patience, toil, and care brought them to their present advanced state of Christianity and civilization. A better ordered and better behaved Indian community can nowhere be found. They are active, industrious, thrifty, and self-supporting. Their respect for the law, their loyalty to the country, and devotion to religious principles and practices are greatly to be commended. All this they attribute to the work of the fathers, who have expended in building of churches,

school-houses, and other buildings, opening and fencing farms, not less than $20,000. On these farms the Indians have learned the art and science of agriculture. Both schools, male and female, are filled with Indian children walking in the same path, not only receiving good educations but learning all the practical duties of life.

As has been stated before, the chief matters of concern which occupied their minds was the preservation of their homes and the perpetuation of their church and school facilities.

It appeared that they had years ago given their consent to the provision contained in this article, and wishing it embraced in a more lasting and durable form they requested the insertion of that part of the agreement.

With all the facts before the Commission, and being on the ground, we deemed it of the highest importance to the Indians and their posterity that this arrangement should be made. It will be seen that the title in fee is not touched, and that the right of use of all that is conceded, or in other words, to use the expressive language of the Indians, they simply "lend the land" in order to secure the education and civilization of their children.

After concluding our labors with the Coeur d'Alenes we returned to Spokane Falls in order to arrange for a visit to the Calispels or Lower Pend d'Oreilles.

* * *

This completed all the work assigned us, and we left immediately for Duluth and from thence proceeded to this city.

We were instructed not to delay on our route for the purpose of making a final report, but only to make short reports by telegram as the work progressed.

On our arrival in Washington we had to arrange and classify the papers, write out from notes full proceedings of the councils with the various tribes, and make a full and final report of our entire work from the date at which Commissioner H. W. Andrews joined the Commission.

We have endeavored to make the report in such a manner as to give our reasons for each article of the agreements and to give such information with regard to the condition of the Indians and their respective reservations as might be useful in future dealings with them.

If these agreements shall be ratified by Congress and be carried into effect in good faith it is confidently believed that the Indians will soon arrive at a position in which they may be self-supporting and cease to be a burden on the Government. That Indians can be taught to work and made to do it as cheerfully and willingly as other people has been demonstrated, and what has been done can be done again.

The Commissioners had their first meeting in Saint Paul, Minn., about the 1st of August, 1886.

They entered at once upon the discharge of the arduous, important, and delicate duties intrusted to them. From that time until the present they have been constantly engaged in traveling and counseling with various tribes of Indians with whom they were instructed to hold negotiations. They have visited in all thirty-one

bands of Indians, residing in Minnesota, Dakota, Montana, and Idaho and Washington Territories. Most of these bands live at different places and widely separated one from another; many of them are wild and live a roaming life and are not on reservations. To reach them has required an amount of travel rarely accomplished considering the seasons and conditions of transportation. Much of the time they slept on the ground, sometimes without even the covering of a tent. They traveled perhaps as much as 7,000 miles by rail, several hundred miles in road wagons, near 400 miles by lakes and rivers, much of this in frail birch-bark canoes propelled by Indians, and 1,500 miles in open sleighs over vast plains of snow when the thermometer ranged from zero to 60 degrees below.

Of the thirty-one bands treated with they failed to make negotiations with but four bands, and one of these was found to be in such a good condition that the Commissioners did not press their propositions, and in one more it is questionable whether it was desirable that the propositions should have been accepted.

In most instances the consent of a large majority of the tribes and bands was voluntarily given after the widest and most intelligent discussions were had. In the case where the majority was not obtained the full consent of the chiefs and head-men was given in open council, with the full knowledge and consent of the tribes, or a majority thereof, and in accordance with the practice of treaties with them.

By the terms of the various agreements the Indians have been justly dealt with, ample provisions made for

their support, education, civilization, and final self-support, and it is believed that upon the ratification of the several agreements negotiated, the Indian title or claim to between twenty-five and thirty million acres of land will have been extinguished either by direct cession or to be disposed of as in the respective agreements provided, all of which now lies idle and unproductive, and which contains millions of treasure in the form of timber and valuable and precious metals.

Right of way through various reservations has been obtained, by which wagon-roads and railroads can be constructed.

Lastly, the various bands and tribes have been made to rely on the sense of justice and kindly intentions which pervade the breasts of those who have the control and management of Indian affairs, and the opinion is confidently entertained by your Commissioners that at every point which they have visited the feeling toward the Government among the Indians is one of trust, confidence, and respect.

The Commissioners have at all times faithfully endeavored to follow the instructions given them, and in all things to carry out the expressed humane policy of the Government toward the Indians.

In dealing with so many bands and tribes of Indians differently situated, in different stages of civilization, some wild and barbarous, some half civilized, and few with as high degree of civilization as is likely to be reached by Government aid, it was to be expected that some mistakes would be made; but the Commissioners are conscious of no omission on their part of an honest

endeavor to do strict justice to the Indians, having due regard for the honor and dignity of the Government and the rights of the white people.

As was promised us in our instructions, the Department has at all times and in all things given us its earnest and efficient support.

Before leaving his home in Minnesota, Commissioner Daniels authorized his name to be signed to the final report by the other Commissioners.

All of which is respectfully submitted.

JNO. V. WRIGHT,
HENRY W. ANDREWS,
JARED W. DANIELS,
Commissioners.

* * *

Agreement with Coeur d'Alene

This agreement made pursuant to an item in the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes," approved May 15, 1886, by John V. Wright, Jarred W. Daniels, and Henry W. Andrews, duly appointed Commissioners on the part of the United States, and the Coeur d'Alene tribe of Indians, now residing on the Coeur d'Alene Reservation, in the Territory of Idaho, by their chiefs, head-men, and other male adults, whose names are hereunto subscribed, they being duly authorized to act in the premises, witnesseth:

ARTICLE 1.

Whereas said Coeur d'Alene Indians were formerly possessed of a large and valuable tract of land lying in the Territories of Washington, Idaho, and Montana, and whereas said Indians have never ceded the same to the United States, but the same, with the exception of the present Coeur d'Alene Reservation, is held by the United States and settlers and owners deriving title from the United States, and whereas said Indians have received no compensation for said land from the United States: Therefore,

ARTICLE 2.

For the consideration hereinafter stated the said Coeur d'Alene Indians hereby cede, grant, relinquish, and quitclaim to the United States all right, title, and claim which they now have, or ever had, to all lands in said Territories and elsewhere, except the portion of land within the boundaries of their present reservation in the Territory of Idaho, known as the Coeur d'Alene Reservation.

ARTICLE 3.

The said Coeur d'Alene Indians agree and consent that the Upper and Middle bands of Spokane Indians residing in and around Spokane Falls, in the territory of Washington, may be removed to the Coeur d'Alene Reservation and settled thereon in permanent homes on the terms and conditions contained in an agreement made and entered into by and between John V. Wright, Jarred

W. Daniels, and Henry W. Andrews. Commissioners on the part of the United States and said Spokane Indians, concluded on the 15th day of March, 1887, at the Spokane Falls, in the Territory of Washington.

ARTICLE 4.

And it is further agreed that the tribe or band of Indians known as Calispels, now residing in the Calispels Valley, Washington Territory, and any other band of non-reservation Indians now belonging to the Colville Indian Agency, may be removed to the Coeur d'Alene Reservation by the United States, on such terms as may be mutually agreed on by the United States and any such tribes or bands.

ARTICLE 5.

In consideration of the foregoing cession and agreements, it is agreed that the Coeur d'Alene Reservation shall be held forever as Indian land and as homes for the Coeur d'Alene Indians, now residing on said reservation, and the Spokane or other Indians who may be removed to said reservation under this agreement, and their posterity; and no part of said reservation shall ever be sold, occupied, open to white settlement, or otherwise disposed of without the consent of the Indians residing on said reservation.

ARTICLE 6.

And it is further agreed that the United States will expend for the benefit of said Coeur d'Alene Indians the

sum of one hundred and fifty thousand dollars, to be expended under the direction of the Secretary of the Interior, as follows: For the first year, thirty thousand dollars, and for each succeeding year for fifteen years, eight thousand dollars. As soon as possible after the ratification of this agreement by Congress, there shall be erected on said reservation a saw and grist mill, to be operated by steam, and an engineer and miller employed, the expenses of building said mill and paying the engineer and miller to be paid out of the funds herein provided. The remaining portion of said thirty thousand dollars, if any, and the other annual payments shall be expended in the purchase of such useful and necessary articles as shall best promote the progress, comfort, improvement, education, and civilization of said Coeur d'Alene Indians, parties hereto.

ARTICLE 7.

It is further agreed that if it shall appear to the satisfaction of the Secretary of the Interior that in any year in which payments are to be made as herein provided said Coeur d'Alene Indians are supplied with such useful and necessary articles and do not need the same, and that they will judiciously use the money, then said payment shall be made to them in cash.

ARTICLE 8.

It is further agreed that any money which shall not be used in the purchase of such necessary articles or paid over, as provided in article 7, shall be placed in the Treasury of the United States to the credit of the said

Coeur d'Alene Indians, parties hereto, and expended for their benefit, or paid over to them, as provided in the foregoing articles.

ARTICLE 9.

It is further agreed that in the purchase for distribution of said articles for the benefit of said Indians the wishes of said Indians shall be consulted as to what useful articles they may need, or whether they need any at all, and their wishes shall govern as far as is just and proper.

ARTICLE 10.

It is further agreed that in the employment of engineers, millers, mechanics, and laborers of every kind, preference shall be given in all cases to Indians, parties hereto, qualified to perform the work and labor, and it shall be the duty of all millers, engineers, and mechanics to teach all Indians placed under their charge their trades and vocations.

ARTICLE 11.

It is further agreed that in addition to the amount heretofore provided for the benefits of said Coeur d'Alene Indians the United States, at its own expense, will furnish and employ for the benefit of said Indians on said reservation a competent physician, medicines, a blacksmith, and carpenter.

ARTICLE 12.

In order to protect the morals and property of the Indians, parties hereto, no female of the Coeur d'Alene tribe shall be allowed to marry any white man unless, before said marriage is solemnized, said white man shall give such evidence of his character for morality and industry as shall satisfy the agent in charge, the minister in charge, and the chief of the tribe that he is a fit person to reside among the Indians; and it is further agreed that Stephen E. Liberty, Joseph Peavy, Patrick Nixon, and Julien Boutellier, white men who have married Indian women and with their families reside on the Coeur d'Alene Reservation, are permitted to remain thereon, they being subject, however, to all laws, rules, and regulations of the Commissioner of Indian Affairs applicable to Indian reservations.

ARTICLE 13.

It is further agreed and understood that in consideration of the amount expended in buildings and other improvements on said Coeur d'Alene Reservation for religious and educational purposes by the De Smet Mission, and valuable services in the education and moral training of children on said reservation, and in consideration that the Indians, parties hereto, have donated for said purposes one section of land on which is situated the boys' school, one section on which is situated the girls' school, and one section of timbered land for the use of the schools, that said De Smet Mission and its successors may continue to hold and use said three sections of land and the buildings and improvements thereon so long as the

same shall be used by De Smet Mission and its successors for religious and educational purposes.

ARTICLE 14.

This agreement shall not be binding on either party until ratified by Congress.

In testimony whereof the said John V. Wright, Jarred W. Daniels, and Henry W. Andrews, on the part of the United States, and the chiefs, headmen, and other adult Indians, on the part of the Indians, parties hereto, have hereunto set their hands and affixed their seals.

Done at De Smet Mission, on the Coeur d'Alene Reservation in the Territory of Idaho, on this the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and eighty seven.

JOHN V. WRIGHT. [SEAL]
JARRED W. DANIELS. [SEAL]
HENRY W. ANDREWS. [SEAL]

Signed with an x mark and seal:

Chief Andrew Lettice, Regis, Pierre Welsholque, Edward, Damas, Vincent, Paul Reni, Charles Louis, Elimo Spokane Wenceslas, Pierre Chiarpa, Pierre Bartholomewie, Bernard Speqmilks, Louis Sguchau, Eneas Chteshi, Timothy Poloskanh, Alexis, Adrian Umas, Sebastian, Camille, Eneas Nchiesu, Luke Nugani, Hilarous, Basil Kasitquizuit, Joshua, Fidele, Prosper Ntimilps, Alphonse, Paul Tehkanise, Pierre Joseph, Daniel, Eneas Temulian, Louis Stanislaus-Barnaby, Etienne Sinkols, Frisby Niselmakomistanegalm, Tibuce Silosket, Anthony Seme, Charles Augustus, Leo

Achetope, Etienne Stakamski, Lee Kuimchilsile, Thomas Guissunge, Cornelius Quiquilel, Louis Schumukuimo, Andrian Milmilagan, Alexander Chileheko, Adrian Schizikue, Pierre Joseph Schezi, Semo Chimineme, Joseph Karlimkue, Louis Michael Welgolchin, Michel, Pierre Joseph Schaike, Benoit Schulilize, Louis Sebastian Kutilkuku, Adrian Kuzalchau, Joseph Nkonoqua, Isadore Npapskue, Charles Polatkin, Ænead Basil, Andrew Ologazu, Moses Mogzela, Peirre Paul Koipe, Beniot Schilzispo, Louis Malkapsie, Daniel Quipemose, Les Nzakakalipeaga, Æneas Paul Mguiakan, Louis Lolo, Franeois Nsispikua Nkaisis, Francois, Eugene, Felicien, Pierre Basil Lanwasket, Leo Tempilime, Louis Nimuse, Louis Lotone, Stanislaus, Nickodemus Kruto, Louis Sepas, Payuse Williniseme, Louis Scisqonachan, Phillip Pokatchan, Joseph, Peter Paul, Stephen.

BENJAMIN S. MORE,
Agent.

Witnesses:
SYDNEY D. WATERS.
JOHN P. SWENEY.

I, Robert Felt, U. S. Indian interpreter for the Colville Indian Agency, W. T., do hereby certify on honor that the foregoing agreement was carefully read and fully explained to the Indians in open council and by the correctly interpreted, and that the contents thereof was fully understood by said Indians before the signing and sealing of the same.

ROBERT his + mark EKLT.

Witness:

A. C. KING,

Dated DE SMET MISSION, COEUR D'ALENE RESERVATION.

IDAHO TERR'Y, *March* 26, 1887.

---

* * *

COUNCIL WITH COEUR D'ALENES.

WEDNESDAY, *March* 23, 1887.

The council met and opened with prayer by Reverend Father Carnano. Present, Commissioners Wright, Daniels, and Andrews, the chiefs and bands of the Coeur d'Alenes, and the interpreter. Judge Wright said:

"My friends, we have traveled a great distance in order to meet you. We thank you most sincerely for the very kind reception you have given us, and for your words of friendly greeting. You are the descendants and representatives of a noble tribe of Indians. You have given up the pursuit of war and of the chase and are devoting all your energies to the arts of peace: you are striving manfully to take care of yourselves, your wives, and your children. We have visited your schools and have seen how well your children are being educated. All this we need not tell you. We are well pleased, and particularly when we know that you feel so deep an interest in these matters. It will inspire your friends to renewed efforts. It will strengthen those who are striving to advance you and place you firmly on the road to civilization and independence. Those who sent us here will be

glad to hear all this. Your condition and the character of your reservation we had heard of before our coming, but it is better than had been told us. You are known to be a people who are of rising intelligence and in all the pursuits of peace; that you have been friendly toward your white neighbors, and that you have given them assistance in times of danger and trouble, is known and appreciated. It is also known that you claim to have once possessed a large body of land, that much of it has been settled by white people, that you had never ceded it away, and that you have received nothing for it. You have a good reservation which you wish to preserve for yourselves and your children. The Great Father desires that this shall be done. You have good farms, fences, and houses, agricultural implements and stock, and we learn that you are working men, that you cultivate your farms and make good crops. We come with kind words from the Great Father. We do not come to force you to do anything. We come to ask your consent. We bring no soldiers, but only words of kindness and praise. We will speak plainly so that you can understand us, and we wish you to agree to nothing until you understand it, and not then unless your minds and hearts are willing.

"Your brethren, the Spokanes, for years have been living about the falls. The white people have gone there and settled all over their country. These Indians are very poor and unhappy. They have no lands and no homes. The Great Father has pity on them, and he wishes to place them on a better country. He wishes also that you will have pity for the Spokanes.

"In 1885 the Government sent Governor Stevens and some other Commissioners to visit and treat with the

Indians in this part of the country, and, among others, he was instructed to visit the Spokanes and the Coeur d'Alenes. Governor Stevens made an honest endeavor to see them and you, and to buy your lands, but he was prevented from doing so by an Indian war which broke out about that time. I could not explain to you why no other commission was sent. It is enough to say, that it was not because the Government cares nothing for the Spokanes or you, for it is true that the condition of the Spokanes has long been a matter of much concern. We have just left the Spokanes. We were with them in council for many days. They were slow to understand, but after a while we succeeded in making an agreement with them by which we hope to remedy their wrongs and bring them to a better condition. In order to do this we need the helping hand of you, the Coeur d'Alenes, and we come to ask that help from you. The President desires that they shall have houses, farms, agricultural implements, and help in other ways as a recompense for their lost country. He wishes that they all may be removed to this reservation by your consent. It is believed that by bringing them here and locating them on farms on this reservation they will soon be in the good condition we find you. If they stay where they are it is feared that they will be ruined. Some of the whites among them are friendly to them, but some give them whisky and cards, and they are leading a bad life, and have much trouble in getting along. We think that it will not only be an act of kindness on your part to allow these poor people to come and live with you, but we also believe it will be the best for you. It is known to you that the whites much desire to get your reservation, or some of it. The whites are increasing in

numbers rapidly and they are clamorous for more land. It is not right that large bodies of good land should lie idle and uncultivated. It must be worked either by white people or by Indians. If your reservation was full of Indians the whites would not want it, or ask for it. Already we have been asked to open this reservation to white settlement. Long petitions came to us while we were at Spokane Falls asking that this be done. We told them no, we have no power to do that: we came to put other Indians there who have no homes. Now you can see that we come as your friends, and we wish you to think of these things and speak freely to us. We wish to take as little of your time as possible, as we know you are farmers, and that you are needed at home. The time we will leave to you judgment. We wish also to hear from you on the subject of your lands about which you wrote to the President in your petition. We wish also to hear from you as to your wants and necessities. We wish every question fully discussed and well understood. We see you are sensible men and disposed to do right, and we think you will have but little trouble in coming to a just conclusion.

"This business is not entirely new to us. We have visited many Indians in other places and have made agreements with them. Each of us has had experience. My friend Major Andrews, has been in the Indian office, and Dr. Daniel has been much among Indians. We are all pleased at what we have seen among you. We have seen that Indian children can learn what white children can, and that you are as good farmers as white men under the same circumstances. We are anxious to do that which is right for you. We wish to see you have justice and to

improve your condition. As for myself, I can say with truth that my anxiety to succeed in our efforts to improve the condition of the Indians is greater than I ever felt in any public employment of my life."

Dr. DANIELS. My friends, the judge has said nearly all I can say. I have been a long time among the Indians. At the same time, when Governor Stevens came to this country the judge was a member of the Great Council at Washington, and I was appointed to go among the Indians. When first I went among the Indians they had as food the wild meat of the buffalo; now I see you on good farms and in your happy homes. I have seen a great many Indians, but I did not expect to see them ahead of the whites as I see them here.

You have the finest schools, the best community that I have seen among Indians, and we are well pleased. We can talk to you as we can to the whites and do business with you as with them. We are all very glad to see you."

Chief SELTICE. All right, I will assure you; you have come from afar, and our hearts are all glad to-day. We have wanted to see you; we have not doubted our Great Father, but always believed that, though he was a great ways off beyond the mountains, yet he would see us and remember us, his children; my heart is big to-day, and my people are pleased at your coming, and I am glad also. Tell us what you desire us to do, and we will do it gladly, willingly. We will try to do what is right: we are as children: yet the Great Father has us under his protection, and you promise to help us. We want your advice; we want your counsel and help. For this we thank you. I have little to say to-day and do not wish to make any

mistakes. We wish to consider. You have spoken to us about the Spokanes. We are very sorry for them, and we will do all in our power to better their condition. We have heard that many of them wish to come on this reservation; our people will be well pleased if they will all come. I learn that they have two ideas; they are not as one, but I believe we can make them as one, so that they will all come here: we will try to gain their affections: we believe that they will be as one among us. You say you are well pleased at what we have done in the past: we are glad. We try to do that which will please our Great Father. You have seen our schools and you speak words of kindness and encouragement. We wish these schools to remain always with us. What we have promised the fathers and sisters before, we wish continued. These fathers have labored faithfully among us in teaching our children: we wish what we have promised them confirmed by the Great Council, so that we will feel secure in our schools. We think you can help us in that which we ask for; you can do what we want. We will talk more of this.

Judge WRIGHT. Do you wish to talk to us about your lands mentioned in your petition of two years ago?

SELTICE. We wish you to talk first and then we will answer you.

Judge WRIGHT. The paper which I hold in my hand [Senate document] sets out fully your claim: in that petition you say your boundary was as follows: Commencing at Steptoo Butte, runs northwest to Antoine Plants on the Spokane River, thence to the Pend d'Oreille Lake, thence to the summit of the Coeur d'Alene Mountain, thence south to the most southern thereof whence flow the

waters of the Palouse River, thence west along the southern rim of the water-shed of the Palouse River to the beginning.

We wish to do right about the claim: that was one purpose for which we were sent to you. On yesterday I omitted to say anything about your promise to the fathers concerning the schools. We will consider this and do all we can to satisfy your desire. You do well in appreciating your schools. If the advantages which your children enjoy had been given you it is plain that it would have aided you very much. When your children grow up to be men and women the advantages derived from these schools will be seen and felt. It will enable them to compete with the white people in the affairs of life. We will consider what is best to be done.

SELTICE. We are pleased at what you say; we know it to be good. Our chiefs have not talked together, but what we said in our petition two years ago we wish fixed: we wish that which we promised carried into effect with the fathers and sisters, for with us they will be always. This is the great desire of our hearts.

VINCENT Old Chief. A long time ago I was not such as you see me now: I am old. I am glad of what you are doing. It is good. I think there are two things. One is from the father and one is from you. These two things we have gained. The fathers tell us we have souls, and that we can go to heaven. This is one thing. I am talking to you only now, but many have my heart. The Spirit has care of my soul, and you of my body. I know that through you our country is saved, and from you we have found things to eat, because you have taught us how to get our food. The

Coeur d'Alenes are getting along well, and you have brought us to this; you have saved our land where we are, and this we owe to the Government.

SELTICE. The land outside this reservation has been taken up by the whites and we had forgotten it until two years ago, when we remembered it: and then we sent our petition to the Government at Washington setting forth our desires. You Gentlemen will tell us what to do, and now we will listen to any proposition you may have to make.

Judge WRIGHT. Is the land you are now living on a part of the country you speak of in your petition?

SELTICE. Yes, certainly. This is the middle of it. That which was taken lies outside all around this.

Judge WRIGHT. In you petition you say you need a saw and grist mill; mechanics to teach you trades: cattle and sheep.

SELTICE. It was a saw-mill and flour-mill.

Judge WRIGHT. Do you people need wagons?

SELTICE [after consulting with chiefs]. No: we do not need these, because we have them.

Judge WRIGHT. We believe you to be reasonable men, and we think we can pull together with you like two well-broken horses. To-morrow we will meet again. What you say is plain and frank, and it gives us pleasure. The kind manner in which you speak of the Spokane Indians, and your consent to their coming and living with you, does you honor. They can be saved by bringing them here. They will be ruined if they remain where they are.

The Great Father will be pleased when he hears your kind words. It will make him feel kindly towards you.

THURSDAY, *March* 25.

Commissioner ANDREWS. Perhaps it may be well for me to say a few words to you this morning before proceeding to the business which has called us together, in order that you may be permitted to judge of the feelings which control me as well as the feelings of my two associates who addressed you on yesterday.

I, too, am the friend of the Indian, and as such friend have been sent by the honorable Secretary of the Interior, the honorable Commissioner of Indian Affairs, and by the Great Council of the United States from the seat of Government at Washington, 3,000 miles away, to this beautiful spot, the Coeur d'Alene Reserve, in the Territory of Idaho, to visit you and assist in righting the wrongs which you and your friends say have been inflicted upon you. And now, right here, I want you to understand that we were not sent on account of our great ability to deal with Indians, but because we have proved to the Great Father upon more than one occasion that we are the friends of the red man, and that we held his rights as sacred as that of any white, black, or red man on earth. We have been commissioned to treat with you upon high and holy grounds; to give you all the rights ever accorded to any people by the wisest government on earth. We were told by the Great Father of your advancement in civilization, but little did we expect to see what we now see. Little did we expect to find you occupying the finest lands of the great West – well watered well timbered, surrounded by all things to make life happy, with the best

schools we have ever seen anywhere, with children that can teach more than half of the Government clerks in Washington how to read and write. And last, though not least, little did we expect to find such good men of God as your best earthly friends. The good fathers here are constantly looking after your welfare here and preparing your souls for the world to come. When we report all these things on the Great Father in Washington it will make his heart glad, and he will exclaim: "Long life to the Coeur d'Alene of Idaho." I shall tell him that the brand of strong drink does not disfigure the face of a single Coeur d'Alene: that not an eye is dimmed by its damnable sting; that there is not an inch of the Coeur d'Alene Reserve poor enough for a whisky-seller to place his unholy foot. And, lastly, I will tell him that my prayer to Almighty God was, and said aloud in your hearing, that not one drop of strong drink should ever enter the throat of a Coeur d'Alene Indian. Take this from a friend, and with such a promise faithfully kept, with such a climate and such lands as you own, with such teachers as the good fathers and sisters of De Smet Mission, with such a friend as the great Government of the United States to protect and defend you, and, lastly, with such a noble specimen of a true and brave American as Seltice as your chief, you will be the happiest people on earth.

SELTICE. I will assure you now I am glad that you have given us such good advice. I am sorry that the white men have bad habits. We are well pleased with all you have said. You talk to us of goodness and I am glad to hear those words coming from your lips to-day. We will cherish your words in our hearts and remember them always. My heart is well pleased with all you have said.

Judge WRIGHT. Do any of you wish to speak? If so, we will hear you now.

DAMAS (chief). I am going to say a few words only. The chiefs will speak for us; we leave everything to them and whatever they say or do will all be right, as we are all of one heart and mind.

Judge WRIGHT. My friends, since our adjournment on yesterday we have given all the questions which have been discussed our careful attention. We have prepared a paper to be submitted to your council. It will all be carefully read over to you, and interpreted so that all will understand its contents. It may be that some changes will be made. When everything is fully understood by you and an agreement reached, we will have the paper written in ink ready for signing. If in reading over the agreement there is anything you do not fully understand, or any part you wish changed or left out, you can say so.

Commissioner Andrews then read the agreement and it was carefully interpreted. After the reading of the agreement Judge Wright said: If you agree to what is here written it will be submitted to the Great Council and the Great Father for approval. If when they examine it they are pleased with it and think it good for you and good for the Government they will approve it and it will become a law. Should they disapprove it will be as a blank paper. Our duties, then, you see, are of a delicate nature. If we please you we may not please the Government. We must satisfy both or our work amounts to nothing. If the agreement meets your approval and is ratified by Congress it will undoubtedly place you in a condition in which you

can be self-supporting with your present advanced position. You will soon need nothing from the Government but the protection which it gives to all its citizens alike. You will have no use for Government farmers, smiths, doctors, or agents; you can get things without aid.

SELTICE (chief). I will assure you now. It may take me two hours, as you have spoken much. I am glad you have taken the time, for it has not been lost. We have listened very carefully and have understood everything that you have said, and it was good. You have put new life into our veins and made us feel that the Great Father and yourselves are the true friends of our race. We know that we are Indians, yet the same Great Father cares for us all. You have spoken to us of the Spokane Indians and of your great desire to help them. We also desire to see them happy people and that they come on this reservation. Just as the whites have poor relations, so have the Indians too – one on our father's and two on our mother's side, and thus am I related on my ancestors to many tribes in this country, and to them I extend the privilege of settling on our land; and I also ask the privilege of having good half-breeds come also. There is one thing which the whites do which we do not – they marry our women, but we never marry white women.

I have considered everything you have said to us; I have considered well, and we are willing to have all these Indians come, but they must leave their whisky and their cards behind them. They must not bring whisky and cards here. This is for their good and the good of my own people. I do not want any bad people to come here and set my people an evil example. Everything you have said to us is good. One thing you have spoken to us about is

our land, which the whites have taken away from us and which they now occupy. It is lost to us; it is dead to my people. We had almost forgotten it, but it has come back to our minds and we now speak of it. You say we may receive for our lost land $150,000 – for our land outside the reservation. Do you know how much there is of it? There are more than 4,000,000 acres. This land was very dear to us, but we have given it up to the whites. We are on only a small part of our country – I mean this reservation. Here we have made our homes; here we have built our houses; here are our fences, our farms, our schoolhouses, our churches. Here are our wives and our children; here are the graves of our ancestors; here are our hearts; here we have lived, and here we wish to die and be buried. We want these preserved forever.

We understand that the paper which we signed is to go to Washington to be seen by the President and the Great Council. I know your hearts with regard to it, and they are good. However you fix it, it will be right; but I plead with you, I implore you, I call on the Great Father, who will hear me, preserve for us and our children forever this reservation, where are our schools, our churches, our homes, our graves, our hearts. The Government has now thought of our claims for our lost land, and they have sent you to us. Of this we are glad, but neither money nor land outside do we value compared with this reservation. Make the paper strong; make it so strong that we and all Indians living on it shall have it forever. We also wish you to make our schools and our churches so strong that they will be here forever for our children, when we have passed away from the world and gone to the Great Father above. What has been said by you is all

good, and we thank you for it. You have now seen our hearts; they are laid open and made bare before you.

Judge WRIGHT. You have done yourself great honor by your words; we honor and thank you for the words you have spoken. You have shown yourself worthy to be the leader of your people. They ought to feel proud of you. If they will but follow where you lead they will have but little to fear.

We have endeavored to carry out your desires. The Government will protect you and your lands. It will do so if it takes its whole power. It will also protect and encourage your schools.

If none of you desire to say anything more, we will prepare an agreement in writing for your signatures; we wish you all to be present; we will not delay you long.

SELTICE. We will be glad to see you again in the morning. You have the hearts of all my people. We will leave everything to Washington. Fix your hearts good for us also.

FRIDAY, *March* 26, 1887 – 9:30 a.m.

Judge WRIGHT. On yesterday we read to you the terms of a proposed agreement. We have carefully considered all the subjects which were then discussed, and have prepared it in proper form for your signatures, with some few changes which were suggested on yesterday. It is now complete. [Here the agreement was read over, interpreted, and explained.]

Do you now understand all the promises?

SELTICE. Yes; we understand everything you have said.

Judge WRIGHT. When we leave here we will next visit the Calespels, or Lower Pend d'Oreilles, and before visiting them we thought it best to obtain your consent that they might be removed to this reservation. If they conclude to come here this will save the trouble and expense of another visit to you.

SELTICE. How about our agent? Is he to be paid out of the fund provided by the agreement?

Judge WRIGHT. No; the agent will be paid by the government.

SELTICE. All right. We shall not need the sawyer or miller more than a year. By that time we will be able to do the work ourselves. Our people will soon learn to run the mill.

Louis GASTAZTAIN. We are all glad you have come to see us. Since you came I have looked into what you have been saying. You have spoken to us of our country. When they ran the survey of our reservation we thought the land was all lost to us. This has been troubling our minds and the minds at Washington ever since. I did not want to take any money; but we are now all of one mind, and we will take it because it will help us. It is not much for the land which has been taken away from us. We are very poor. We are very near the time when we are to sign the paper. We will take good care of the money. When we first came on this reservation we were poor, and now you see us with homes, our farms all fenced, and cattle grazing on our hills. The fathers have taught us to do this – to

farm and save our money and educate our children. I myself can not read or write; but we are very thankful to the Government for our schools. Some of our people are old, and they would like to have their money paid to them before they die, so they can have some benefit from it. You have seen my heart.

ELIJAH (a Spokane Indian, the only one present wearing a blanket). Is Lots' reservation as good as this?

Major WATERS. No; no part of it can compare with it.

ELIJAH. Then I am coming here, and I will tell all my people to come and take up this land; the Coeur d'Alene are our friends.

Judge WRIGHT. We will sign the paper first and then you can sign. [Here the agreement was signed by the Commissioners and all the Indians. When Nicodemus came up to sign Judge Wright said to him:] I am informed that you were the first Indian on this reservation who took a farm and put a plow in the earth, and I learn that you have done well, and that you are now comfortably situated. Major Waters tells us that you have always set a good example to the Indians, and that hundreds have followed your advice and example. For this you deserve well, and you should be remembered and encouraged.

NICODEMUS. As soon as I began to plow I began to see food and money. I thank you for your words.

Judge WRIGHT. I believe all have signed. A large majority of the tribe have signed the agreement, and those who are not here would sign if they were present. When you tell the absent ones what you have done they will be well pleased. You have behaved well. You have

shown your confidence in the Great Father and it will give us pleasure to say that you deserve well of the Government. Your consent that the other Indians not so well off may come on your reservation speaks well for your hearts. Your matters are in a good condition. You are on the right road. Be at peace with one another and your neighbors. In all your transactions as a tribe remain reunited. This will give you strength. Advise the Spokanes to come. When they come treat them kindly. If they have faults, pity them and lead them in the right way. Treat them as the Great Father above treats us in mercy. Call them from their evil ways and make them as you are.

ADRIAN UMAS. I am glad you have talked to us from the law. You have made our homes secure. When we are sick the priests hold us in their hands and bring us to heaven. You have told us the truth.

SELTICE. You are now going to leave us and go back to Washington. When you go away do not forget us. Our brains are big and we have put away your words in a safe place. We shall remember them always. We shall not forget you nor your words. We are only Indians. We are not so high in knowledge as you are, but your words of advice make us even with you. Your coming has done us all good. We looked for your coming for many days. Sometimes we feared you would forget us and pass us by. Major Waters did not deceive us; he told us to be patient and you would come. We ask you to take back to the Great Father our humble expressions of peace and good will. The Coeur d'Alenes will ever be his friends. You have lifted a heavy load from our hearts. We take courage and a new start. Our land, or homes, our schools are to be

ours forever. All this we feel is from your coming. In the name of my chiefs and my people I thank you.

* * *